

URBAN/MUNICIPAL

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AGENDAS / MINUTES OF THE
FINANCE AND ADMINISTRATION
COMMITTEE

SEPT. 24, 1992 - Oct 22/92

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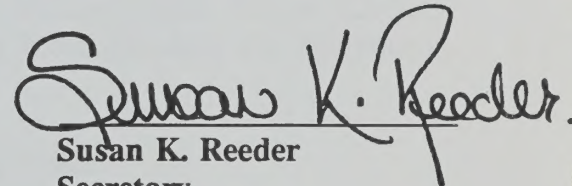
TEL: 546-2700
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1992 September 18th

NOTICE OF MEETING

FINANCE AND ADMINISTRATION COMMITTEE

**Thursday, 1992 September 24th
9:30 o'clock p.m.
Room 233, City Hall**


Susan K. Reeder
Secretary

A G E N D A

1. PRESENTATION

Hamilton Farmers' Market Sub-Committee. (no copy)


2. MAYOR ROBERT MORROW

- (a) 1992 South Central Ontario Municipal Conference "Learning Together".
- (b) Reception for Famous People Players.
- (c) Twinning - Monterrey, Mexico. (no copy)

3. ALDERMAN D. AGOSTINO

Delegation - Mr. B. Edwards, Plumblin Sales Limited.

- (a) Information Report - Treasurer.



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4. **ALDERMAN B. MORELLI**

Establishment of a City of Hamilton Anti-Prostitution Task Force. (no copy)

5. **ALDERMAN V. AGRO**

Delegation - Blue Line Taxi re: Flat Rates. (no copy)

10:00 O'CLOCK A.M. - DEVELOPMENT CHARGES COMPLAINT

6. Novel Environmental Advanced Technology (N.E.A.T.) Home - 2 Westlawn Drive.

7. **CONSENT AGENDA**

8. **TREASURER**

(a) Appointment of an External Auditor.

(b) Information Report - City of Hamilton - Primary and Excess Liability Insurance Coverage and Liability Insurance Requirements for Community User Groups.

(c) Penalty and Interest charged on Outstanding Taxes.

(d) Information Report - Realty Tax Deferral Scheme.

(e) Disposition of 1992 Cari-Can Grant Funds.

9. **PROPERTY/TAXATION PROJECT STEERING COMMITTEE**

Implementation of a monthly automatic Tax Payment Plan effective 1993 January 1 and status of the main property taxation

10. **COMMISSIONER OF HUMAN RESOURCES**

(a) Salary Classification - Co-Ordinator of Senior's Services and Food Services, Culture and Recreation Department.

(b) Salary Classification - School Crossing Supervisor, Traffic Department.

(c) Salary Classification - Conservator, Department of Culture and Recreation.

(d) Child Care Task Force.

11. LICENSING COMMITTEE

- (a) Break-open Ticket Lotteries - Third Party Locations.
- (b) Provincial Discussion Paper (2nd Draft) - Lottery Licence Terms and Conditions.

12. TAXI ADVISORY COMMITTEE

Regionalization of the Taxi Industry.

13. TASK FORCE TO REVIEW THE CIVIC AWARDS PROGRAMME

Report - Secretary, Task Force to Review the Civic Awards Programme

14. CITY CLERK

(a) Civic Awards

- (i) Hamilton Hoppers Skipping Club
- (ii) Hamilton-Wentworth Aquatic Club
- (iii) Hamilton Synchronized Swimming Team
- (iv) Hamilton and District Five Pin Bowlers Association

- (b) Prohibiting Solicitation at Accident Scenes - Tow Trucks.

15. ADVISORY COMMITTEE ON EQUITABLE REPRESENTATION ON COMMITTEES/BOARDS/COMMISSIONS

Process for appointing members to Committees/Boards/Commissions.

16. SELECTION COMMITTEE

Recommendations for Appointments to Various Committees. (copy to follow)

17. **RESOLUTIONS**

- (a) City of Guelph - resolution regarding the protection of the Wildlife Community with respect to preparation work to be done at development sites.
- (b) City of Windsor - Enhanced 911 Telephone Emergency System.

18. **DIRECTOR OF PROPERTY**

Agreement of Purchase and Sale of lands owned by Canadian National Railway Company on the east side of Ferguson Avenue North.

19. **H.E.C.F.I.**

Copps Coliseum - Sale and Service of Liquor in Arena Seating area.

20. **PARKING AUTHORITY**

- (a) Lease of Theatre Aquarius Carpark Property.
- (b) Lease of Lands from Hydro for Parking.

21. **PRIVATE AND CONFIDENTIAL AGENDA**

22. **OTHER BUSINESS**

23. **ADJOURNMENT**

OUTSTANDING ITEMS

FINANCE & ADMINISTRATION COMMITTEE

1. (a) Policy to exempt Parking Authority from realty and business tax -Budget Meeting 1990 Feb. 23 and Regular Meeting 1990 Mar. 22 (Presently under review by Treasurer)
- (b) Examine feasibility of directing the net revenue from parking fines into the Reserve Account - 1990 March 22 (presently under review by Treasurer).
2. Street Vendors Program - Examine all aspects of the Program and report back to Finance and Administration Committee. Report and recommendations pending from Manager, Licensing Division - requested at 1990 June meeting.
3. Council Agenda Line - Report pending from Manager of Property Maintenance and Manager of Purchasing - requested at 1990 August 23 meeting.
4. H.S.P.C.A. to report back on possible amendments to existing legislation to improve power to confiscate vicious animals - requested at 1992 January 23 meeting.
5. Windermere Basin - Status report pending from City's Appointee to Hamilton Harbour Commissioners - as agreed to at 1992 February 6 meeting - presentation scheduled for 1992 October 8 meeting.
6. Information Report - Manager of Purchasing - City's Energy Lightbulb Programme - requested at 1992 March 26 meeting.
7. Report - Building Commissioner - Rationale of Development Charges on 84 Birmingham Street - requested at 1992 April 9 meeting.
8. Report - Director of Property - proposed policy on display of plaques, posters, memorabilia, etc. - requested at 1992 April 23 meeting.

Note: The requests from the following are on hold pending Committee deliberation of the Director's report:

- (a) Status of Women
- (b) Ridge Raiders Drum & Bugle Corp.
- (c) Ad & Sales Club
- (d) Hamilton Mundialization Committee
- (e) Polish Singers Alliance of America.

9. Report - City Clerk - costs incurred as a result of the use of City Hall facilities by outside groups - requested by CAO 1992 April 16.
10. Review of dual purpose licence and sign respecting the By-law to license and regulate the sale of tobacco to minors to be purchased and posted by retailers selling tobacco - requested at 1992 May 21 meeting.
11. Report - Building Commissioner - Proposed Development Charges Amendments - as indicated by staff at 1992 April 23 meeting.
12. Vehicle Leasing vs. Purchasing - tendering being done - report to come back for consideration of future options - status reported by Treasurer at the 1992 June 25 meeting.
13. Report - Director of Property - Commonwealth Plaza Lighting - requested at 1992 June 25 meeting.
14. Report - CAO - results of investigation on alternative uses of the Theatre Terra Nova building in the event that Theatre Terra Nova is unable to assume regular monthly mortgage payments as of 1993 January 1st - requested at 1992 July 23 meeting.
15. Report - City Clerk - Amendments to the No Smoking Signs to assist the Visually Impaired - requested at 1992 July 23 meeting.
16. Report - Treasurer - Charge back of C.U.P. expenses to H.E.C.F.I. - requested at the 1992 August 20 meeting.

1992 September 18th

FINANCE AND ADMINISTRATION COMMITTEE

THURSDAY, 1992 SEPTEMBER 24TH

CONSENT AGENDA

A. ADOPTION OF THE MINUTES OF THE FINANCE AND ADMINISTRATION COMMITTEE

Minutes of the Regular Meeting held Thursday, 1992 August 20th and minutes of the Special meeting held Tuesday, 1992 August 25th.

B. TREASURER

- (i) Funding - Proposed construction of independent concrete walk east side of Upper Sherman Avenue, approximately 35m north of Limeridge Road East to approximately 26m northerly.
- (ii) Information Report - Status of Hosting Receptions and Related Accounts.
- (iii) Information Report - Status of Unclassified Revenue and Expenditures as at 1992, August 31st.
- (iv) Post Audit Letter - Recommendations and Comments concerning Accounting Systems, Procedures and Controls for 1991.

C. CHIEF ADMINISTRATIVE OFFICER

- (i) Information Report - United Way Loan Program.
- (ii) Information Report - Mr. Sam Floyd, Assessed Value, Condominium Units, 240 Quigley Road.

D. CITY CLERK

Use of City Hall Facilities

- (i) Executive Council of Hamilton Neighbourhoods.
- (ii) The Arthritis Society.

E. COMMISSIONER OF HUMAN RESOURCES

Appointments To and Terminations From Permanent Positions with the Corporation of the City of Hamilton to 1992 September 15.

F. MANAGER OF PURCHASING

- (i) Replacement of Four (4) mid-size passenger vehicles, By-law Enforcement, Units Nos. 1305, 1306, 1347, 1367.
- (ii) Replacement of Four (4) mid-size passenger vehicles, City Garage, Units Nos. 1388, 1308, 1342, 1344.
- (iii) Replacement of One (1) articulating wheel loader, Unit #9509, Fleet Services.
- (iv) Replacement of Three (3) 1/2 ton pickup trucks, Unit Nos. 9300, 9332, 9349 and Purchase of Two (2) 1/2 ton pickup trucks, Fleet Services.

Thursday, 1992 August 20
9:30 o'clock a.m.
Room 233, City Hall

The Finance and Administration Committee met.

There were present: Alderman D. Ross, Chairperson
Alderman B. Charters, Vice-Chairperson
Alderman T. Cooke
Alderman D. Agostino
Alderman G. Copps
Alderman V. Agro
Alderman D. Drury

A.

Regrets: Mayor Robert M. Morrow - City Business
Alderman T. Anderson - City Business

Also present: Alderman D. Wilson
Alderman B. Morelli
Alderman H. Merling
Alderman F. Eisenberger
J. Pavelka, Chief Administrative Officer
D. Carson, Mayor's Office
D. Jones, Human Resources Centre
P. Noé Johnson, City Solicitor
A. Ross, Treasurer
G. Smith, Deputy Fire Chief
R. Menagh, Human Resources Centre
J. Schatz, City Clerk
R. Sabo, Law Department
D. Vyce, Director of Property
P. Baker, Parking Authority
R. Cowell, Human Resources Centre
T. Daw, Treasury Department
D. Keba, Architectural Division, Property Department
P. Barkwell, Law Department
R. Hammel, Treasury Department
Susan K. Reeder, Secretary

A G E N D A

1. PRESENTATION - Chief Administrative Officer.

It was agreed that this matter would be deferred until a later date.

2. MAYOR ROBERT MORROW

Request for Purchase of Advertising Space in "Ontario - A Celebration of Our Heritage" (Delegation - Bill Koene, Publisher, Heritage Publishing House).

Mr. Bill Koene, Publisher of Heritage Publishing House was in attendance to speak to the Committee with respect to the Publication project of "Ontario - A Celebration of our Heritage". Mr. Koene advised that this is a 2 volume project which will be used extensively by Schools. He provided copies of the 1st edition of this publication to members of the Committee as well as a package of details respecting the author and the composition of the books.

Mr. Koene then provided information on the financial packages for "Corporate Partners" whereby invitations are extended to organizations like municipalities to participate at a \$3,500. per page (all inclusive cost) for the book. It was further added that participants in the book are able to purchase the volumes at \$79.95 which is the retail cost. Mr. Koene indicated that to date they have received confirmation from Jack Harvey Real Estate and Mohawk College of the City of Hamilton who will be participating in the book.

Some discussion ensued on this matter by members of the Committee who questioned Mr. Koene on several aspects of the project.

The Committee then agreed to take this presentation under advisement and that they would be speaking about this matter later in the meeting.

3. DELEGATION

Hamilton District Autobody Repair Association - Request to have the City By-law amended to Prohibit all Accident Scene Solicitation for Tow Trucks or any Offer of Services, including Auto Body Repairs, Mechanical Repairs or Car Rentals.

The Committee was in receipt of correspondence from the Secretary of the Police Services Board dated 1992 July 28, endorsing the proposed amendments to By-law No. 79-323, to discourage solicitation at accident scenes.

The Committee was also in receipt of correspondence from Mr. John Norris, Executive Director, Hamilton District Autobody Repair Association, requesting consideration of amendments to the City's Towing By-law.

Mr. John Norris, of the Autobody Repair Association was in attendance and spoke to the Committee with respect to his Association's concerns at "bandits" arriving first at accident scenes and soliciting business on the site. He indicated that the Association feels that this is an unethical business practice and that it should be controlled by a City By-law. He further added that this matter should be reviewed and possible recommendations made for Provincial amendments to the Highway Traffic Act to assist all municipalities in discouraging this type of activity.

Mr. Hugh Gordon, Representative of Northgate Auto Inc. was also in attendance and indicated that the Hamilton District Autobody Repair Association represents 23 shops and that only 3 of those shops are on the City's approved list of Autobody shops. He feels that others on the approved list should have input on this matter.

A Staff Sergeant with the Hamilton-Wentworth Regional Police Department was also in attendance and spoke with respect to a Committee which has been formed regarding this issue in an effort to resolve these problems. He clarified that the Police Department have a listing of 23 Auto Towing Companies that are used on a rotational basis.

Some discussion then ensued on the rotational process used in calling Towing Companies by the Police Department.

Maria Cunha, President, of Northgate Auto Inc., also spoke with respect to the number of approved Towing Companies used.

Following considerable discussion on this matter by members of the Committee, it was agreed that this matter be referred to the City Clerk with a request that a report come back to them with recommendations outlining the type of legislation that would be needed Provincially to amend the Highway Traffic Act, in order that the City can determine if it wishes to petition the Province for this type of legislative change.

It was also agreed that when this matter comes back to the Committee that all parties should be invited to comment on the proposed legislation that the City would be endorsing, in order that all parties can have a chance to comment on it, but that the City very clearly makes its intention know to ban any type of solicitation at the scene of an accident.

4. CONSENT AGENDA

A. ADOPTION OF THE MINUTES OF THE FINANCE AND ADMINISTRATION COMMITTEE

Minutes of the Regular Meeting held Thursday, 1992 July 23rd and minutes of the Special meeting held Tuesday, 1992 July 28th.

The Committee was in receipt of the above-noted minutes and approved them as circulated.

B. CITY CLERK

Use of City Hall Facilities

(i) Hamilton Heritage Week Committee.

The Committee was in receipt of a report from the City Clerk dated 1992 July 30, respecting the above-noted matter and approved the following:

That approval be given to the action taken by the City Clerk in authorizing the Hamilton Heritage Week Committee to use Committee Room 233 on Thursday, 1992 August 6 at 7:00 p.m. to prepare a proposal for a future official event.

(ii) Advertising and Sales Club Ace Awards.

The Committee was in receipt of a report from the Acting City Clerk dated 1992 August 10, respecting the above-noted matter and approved the following:

(a) That permission be granted to the Advertising and Sales Club of Hamilton to use the East and West areas of the second floor lobby at City Hall from 3:00 p.m. on Monday, 1992 October 19 until Friday, 1992 October 30 to display photographs of the 1992 Ace Award Winners.

(b) That the City Clerk be granted authority to approve of a similar use in future years provided that it does not interfere with any other activity.

(iii) McMaster University Art Gallery.

The Committee was in receipt of a report from the Acting City Clerk dated 1992 August 13, respecting the above-noted matter.

Considerable discussion ensued with respect to the more frequent use of billboards on the City Hall forecourt and following this consideration the Committee approved the following:

- (a) That no action be taken with respect to the request of the McMaster University Art Gallery to place a billboard on the forecourt of City Hall from 1992 September 1 - 15 and 1993 May 16 - 29 to promote the 25th Anniversary of the McMaster University Art Gallery; and
- (b) That billboards not be permitted on the forecourt of City Hall until the recommendations of the Urban Design Study of City Hall grounds have been completed by A. J. Diamond, Donald Schmitt and Company.

(iv) The Women's Trust.

The Committee was in receipt of a report from the Acting City Clerk dated 1992 August 13, respecting the above-noted matter and approved the following:

That approval be given to the request of the Women's Trust to use the Council Chambers for the purpose of an address on the occasion of Person's Day on Monday, 1992 October 19, to be preceded by a buffet lunch and reception on the Second Floor Lobby for approximately two (200) hundred women.

Special Occasion Permit

(v) Hellenic Community of Hamilton and District Community Festival.

The Committee was in receipt of a report from the City Clerk dated 1992 August 11, respecting the above-noted matter. The Committee approved the following:

That the Liquor Licence Board of Ontario be advised that the City of Hamilton recognizes that the Festival of the Hellenic Community of Hamilton and District being held on Friday, 1992 September 11th to Sunday, 1992 September 13th on the east grounds of St. Demetrios Greek Orthodox Church at 22 Head Street is a Community Festival of municipal significance and as such is worthy of the issuance of a Special Occasion Permit for the above-noted Festival.

Civic Awards

- (vi) Hamilton Hoppers Skipping Club.
- (vii) Hamilton-Wentworth Aquatic Club.
- (viii) Hamilton Synchronized Swimming Team.
- (ix) Hamilton and District Five Pin Bowlers Association.

The Committee was in receipt of numerous recommendations from the City Clerk respecting the above noted Civic Awards and the organizations applying for these Awards.

Considerable discussion ensued with respect to the City's Civic Awards Programme and it was indicated that a Task Force has been established to Review the City's Civic Awards Programme and that approval of these and the effect it would have on the already deficit balance in the Account, and it was agreed that these Awards be placed on hold.

Accordingly, the Committee approved the following:

That no further approvals be granted for civic awards until such time as the Task Force to Review the Civic Awards Programme has presented its report to the Finance and Administration Committee.

C. COMMISSIONER OF HUMAN RESOURCES

Appointments To and Terminations From Permanent Positions with the Corporation of the City of Hamilton to 1992 August 12.

The Committee was in receipt of a report from the Commissioner of Human Resources dated 1992 August 12, respecting the above-noted matter and approved the following:

That the listing of Appointments To and Terminations From Permanent positions with the Corporation of the City of Hamilton to 1992 August 12, be approved.

D. MANAGER OF PURCHASING

(i) Maintenance of Ice Making Equipment at nine (9) City owned arenas during 1992, 1993 and 1994.

The Committee was in receipt of a recommendation from the Manager of Purchasing dated 1992 July 15, respecting the above-noted matter and approved the following:

That a purchase order be issued to Cimco Refrigeration, Toronto, Ontario in the amount of \$106,736.40 per year including all taxes for mechanical maintenance of refrigerating ice making equipment in nine (9) city owned arenas during 1992, 1993, 1994, being the only tender received in accordance with specifications issued by the Manager of Purchasing and vendor's tender, and that this expenditure be financed through Refrigeration Control Recreation Building Account CH 56380-31136.

(ii) Supply and Delivery of Fine Paper as and when required for a twelve (12) month term.

The Committee was in receipt of a report from the Manager of Purchasing dated 1992 July 15, respecting the above-noted matter and approved the following:

That a purchase order be issued to Graphic Papers, for the supply and delivery of Fine Paper as and when required for a twelve (12) month term, being the lowest of five tenders received, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that these expenditures be financed through various approved accounts.

E. CITY SOLICITOR

Authorization By-laws and Amendment By-laws

The Committee was in receipt of numerous recommendations from the City Solicitor respecting By-laws of Authorization and By-laws of Amendment.

The Committee thus approved the following By-laws:

- (i) Restoration of the Steam Museum Pumphouse (and chimney).
- (ii) Harbourfront Park Remedial Action - Stage 2 (capping).
- (iii) Replacement of major building components.
- (iv) Construction of T.B. McQueston Park as a Horticultural Park.
- (v) Development of Sports Facilities at Olympic Park and Turner Farm Park.
- (vi) Renovations to the first floor of the Central Library.
- (vii) Expansion of the Concession Street Library.
- (viii) Flea Market Licences.
- (ix) Transient Vendors Licences.

F. TREASURER

- (i) Funding - Option to Purchase Agreement - Roadway Purposes - 643 Rymal Road West - Caterina Battaglia - Proposed Extension of Upper Paradise Road.

The Committee was in receipt of a report from the Treasurer dated 1992 August 12, respecting the above-noted matter and approved the following:

- (a) That as referred to in Section 27 of the Ninth Report of the Transport and Environment Committee for 1992, the purchase of 643 Rymal Road West for the proposed extension of Upper Paradise Road, at a price of \$330,000, be financed from Centre No. CH 00107 - "Reserve for Services Through Unsubdivided Lands", and
 - (b) That \$200,000. be transferred to the "Reserve for Services Through Unsubdivided" from the "Reserve for Capital Projects" in order to complete the financing of this purchase and allow for possible further subdivision expenditures through the balance of 1992.
- (ii) 1992 Servicing Expenditures related to Subdivisions - "Agrigento Gardens".

The Committee was in receipt of a report from the Treasurer dated 1992 August 14, respecting the above-noted matter and approved the following:

That as referred to in Section 25 of the Ninth Report of the Transport and Environment Committee for 1992, the City's share of "Agrigento Gardens" Subdivision, at a cost of \$6,632.46, be financed from Centre No. CH 00107 - "Reserve for Services Through Unsubdivided Lands".

(iii) Information - Status of Unclassified Revenue and Expenditures as at 1992 July 31st.

The Committee was in receipt of an Information Report from the Treasurer dated 1992 August 11, respecting the above-noted matter. The Committee agreed to receive this report for information purposes.

(iv) Information - Status of Hosting, Receptions and Related Accounts.

The Committee was in receipt of an Information Report from the Treasurer dated 1992 August 11, respecting the above-noted matter and agreed to receive the above-noted Information Report.

G. RESOLUTION

City of Burlington - LaSalle Park.

The Committee was in receipt of a Resolution from the City of Burlington dated 1992 July 14, respecting LaSalle Park and the Committee agreed to receive this Resolution as follows:

That the following resolution from the City of Burlington respecting LaSalle Park be received:

THAT the letter dated 1992 June 30, from the City of Hamilton concerning the possible sale of LaSalle Park to the City of Burlington be received and filed;

AND THAT a Committee composed of Alderman Greenaway, Alderman MacIsaac, Alderman Whitworth, Mayor Mulkewich, City Manager Michael Fenn and Director of Parks and Recreation Jim Olmstead meet and consult with the City's Legal Department with respect to the terms of the current lease for LaSalle Park;

AND THAT the Committee consider the City's role in the Hamilton Harbour Remedial Action Plan and the Fish and Wildlife Habitat Plan;

AND THAT the Committee consider the financial implications of future LaSalle Park needs;

AND THAT the Committee report back to the Community and Corporate Services Committee with recommendations on possible future negotiations with the City of Hamilton.

REGULAR AGENDA

5. PROPERTY DEPARTMENT, FIRE CHIEF, PURCHASING DIVISION

Prime Consultant Contract, Fire Station 4, Macassa Park.

The Committee was in receipt of a Joint Report from the Director of Property, the Fire Chief, and the Manager of Purchasing dated 1992 August 11, respecting the above-noted matter.

Some discussion ensued with respect to the selection of the Consultant and it was indicated that interviews had been conducted and that the recommendation was made on the basis of the depth of knowledge and ability of the recommended Architect - S. M. Roscoe Inc.

The Committee then approved the following:

- (a) That approval be given to enter into a contract with S. M. Roscoe Inc. Architects, as the Prime Consultant, for full Architectural & Engineering Services for the New Fire Station 4 on Upper Sherman Avenue, within the north-west corner of Macassa Park. The contract amount will be \$214,792.
- (b) That the cost of retaining the Prime Consultant be charged to Account No. CF 5450 489241009.
- (c) That a contract satisfactory to the City Solicitor be entered into between the City and the Prime Consultant S. M. Roscoe Inc. Architects.
- (d) That the Mayor and the City Clerk be authorized to execute the contract on behalf of the City.

Note: Alderman Charters opposed.

6. SINGLE TIER BUREAUCRACY REVIEW STEERING COMMITTEE

A Discussion Paper for Consideration and Comment.

The Committee was in receipt of a memorandum from the Secretary of the Single Tier Bureaucracy Review Steering Committee dated 1992 July 10, attaching a discussion paper with respect to this proposed Single Tier Administration.

Discussion ensued with respect to this matter and Alderman Copps expressed concerns that Hamilton would be choosing to amalgamate its bureaucracy and yet the other municipalities of the Region would still maintain their separate bureaucracy. Concern was also expressed at keeping the City Law Department intact. It was also indicated that other municipalities within the Region may buy into the process at a later date if they can determine that Hamilton's bureaucracy joining has had cost-saving benefits.

Alderman Agro and Alderman Agostino both expressed support for the direction that this report is going. Alderman Agro suggested that at some point the political systems may also amalgamate in the future. Conversely, Alderman Agostino felt that there would never be a One Tier Political System but that joining bureaucracies makes sense providing there is a cost-saving factor.

Following this discussion, the Committee agreed to receive this document.

7. CITY CLERK

Information Report - Brochure Printing - Adult Basic Education Association.

Alderman Don Drury spoke to this request which had come into his Office from the Adult Basic Education Association to request assistance from the City in printing 100,000 copies of a bookmark for distribution throughout the Community during Literacy Week - 1992 September 8 - 15, at a cost of approximately \$650.

Following considerable discussion on this matter, it was agreed to receive and take no action on this report.

Note: Alderman Drury opposed.

8. RESOLUTIONS

(a) Township of Tiny respecting Restructuring of the Townships Boundaries.

The Committee was in receipt of a resolution from the Township of Tiny, respecting Restructuring in Simcoe County and agreed to receive this resolution as follows:

That the following resolution from the Township of Tiny respecting restructuring in Simcoe County be received:

WHEREAS all efforts at ensuring the integrity of the Township of Tiny's municipal boundaries and financial welfare have been frustrated by the County of Simcoe under the guidance of the Ministry of Municipal Affairs;

NOW THEREFORE BE IT RESOLVED that the municipal Corporation of the Township of Tiny hereby confirm that it is opposed to the implementation of legislation enacting the final report of the Simcoe County Study Committee;

AND FURTHER that a copy of this resolution be sent to all municipalities in the Province of Ontario asking for their support and that these municipalities advise the Premier of Ontario, the Minister of Municipal Affairs and their respective members of the Ontario Legislature and the Council of the Corporation of Tiny. And that a brief summary of events accompany this resolution.

(b) City of Stoney Creek - Respecting Multiculturalism.

The Committee was in receipt of a resolution from the City of Stoney Creek respecting Multiculturalism.

The Committee moved to endorse this resolution and the motion lost on a recorded vote.

Yeas: Agostino and Agro

Nays: Copps, Charters, Ross, Cooke

The Committee moved to receive this document as follows:

That the following resolution from the City of Stoney Creek respecting multiculturalism be received:

WHEREAS Canada is a country whose citizenry comes literally from the four corners of the earth, and

WHEREAS Canada's generous policies of inclusion have aided its citizens to assimilate in the Canadian society by accepting its laws and practices, and

WHEREAS Canada's policy of Multiculturalism has assisted greatly in this process of inclusion and assimilation;

NOW THEREFORE BE IT RESOLVED:

That Stoney Creek Council fully endorse Canada's policy on Multiculturalism and that we ask the Provincial Government through its Ministry of Culture and Citizenship to also go on record in support of this resolution and that we ask the endorsement of all municipalities in Ontario over 25,000 people in population, and that this recommendation be circulated to the Unity Committee, Honourable Shirley Martin, Prime Minister Brian Mulroney, and the leaders of the Liberal and N.D.P. Federal Parties.

9. TREASURER

(a) Information Status Report - Realty and Business Tax Arrears and Tax Collection Procedures.

The Committee was in receipt of an Information Report from the Treasurer dated 1992 July 16, respecting the above-noted matter.

Considerable discussion ensued on the methods being used to collect taxes and it was agreed that the Treasurer would be requested to report back to the Committee with an Information Report on Possible Alternative Methods of Tax Collection.

Alderman Copps suggested that there may be a way of removing equity from property for tax purposes, i.e. reversed mortgages to the City, etc., and asked that the report encompass that suggested method of tax collection.

As well, there was also considerable discussion on the present interest rate of 15%, which the City charges on outstanding taxes. It was felt that this rate does not reflect the current rate of economic times and should be adjusted, although it was recognized that this may have an adverse financial impact on the City. Further to this, it was agreed that the Treasurer should report back with an Information Report on this matter, but that more detailed discussion on this issue should properly be held during the Budget discussions.

(b) Write-off of Outstanding Business Taxes.

The Committee was in receipt of a report from the Treasurer dated 1992 August 13, respecting the above-noted matter and approved the following:

That outstanding business taxes in the amount of \$207,996.68, be written off in accordance with Section 441 of the Municipal Act, R.S.O., 1990, and charged to Account CH 53401-24106, Tax Write-Offs. (A copy of the Tax Write-Off Schedule was distributed to members of the Finance & Administration Committee and is available from the Committee Secretary upon request.)

(c) Information Report - Summary of Revenues and Expenditures for the six months ended 1992 June 30th compared with Budget.

The Committee was in receipt of an Information Report from the Treasurer dated 1992 August 10, respecting the above-noted matter.

Alderman Copps expressed concerns that she did not see charge-backs reflected for Central Utility Plant expenses to H.E.C.F.I., and it was agreed that the Treasurer should look into this and report back to the Committee.

The Committee then agreed to receive the Information Report from the Treasurer.

(d) City of Hamilton - Banking Arrangements.

The Committee was in receipt of a Report from the Treasurer dated 1992 August 13, respecting the above-noted matter and the Committee approved the following:

- (a) That the City Treasurer be authorized to extend the City of Hamilton's current banking arrangements with the Canadian Imperial Bank of Commerce for a further seven month period from the current expiry date of 1992 November 30, to a new expiry date of 1993 June 30.
- (b) That the City Treasurer be authorized and directed to prepare the necessary specifications and a "Proposal Call for Banking Services" for the City of Hamilton for a five year period (with an option for the City to renegotiate after three years) commencing 1993 July 1.
- (c) That following the receipt and evaluation of the proposals, the Treasurer submit a recommendation for banking services to the Finance and Administration Committee for approval.

ADDED

Alderman Ross expressed concerns that the increased Liability Costs requested of organizations involved in City-type functions has risen from \$2M to \$3M, and yet the City still requires \$2M Liability. It was agreed that the Treasurer should report back on adjustments that should be put in place to require that organizations using City property and facilities are required to provide \$3M in insurance.

10. PRIVATE AND CONFIDENTIAL AGENDA

The Committee agreed to move into an In-Camera Session to discuss matters of a Private and Confidential nature.

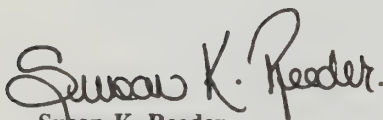
The Committee then moved back into Regular Session and approved the following:

- (a) That the City pay to Samuel and Sheridan Lax \$33,907.06 in additional legal costs awarded by Mr. Justice Ground and not in dispute on the subsequent Appeal.
- (b) That the City offer to settle all outstanding issues on the Appeal of the costs in the Lax expropriation on the following terms:
 - (i) The City will pay to Samuel and Sheridan Lax the remaining costs awarded by Mr. Justice Ground (\$52,500. plus post judgment interest) and the sum of \$33,317.51 with respect to the Kellough appraisal report.
 - (ii) The City bear its own costs with respect to the Appeal heard by Mr. Justice Ground. The Appeal of that decision by the Lax Brothers, and any City Cross-Appeal will be dismissed or discontinued.

12. ADJOURNMENT

There being no further business, the meeting then adjourned.

Taken as read and approved,



Susan K. Reeder
Secretary
1992 August 20

ALDERMAN D. ROSS, CHAIRPERSON
FINANCE AND ADMINISTRATION COMMITTEE

Tuesday, 1992 August 25
7:00 o'clock p.m.
Room 233, City Hall

A Special Meeting of the Finance and Administration Committee was held.

There were present: Alderman D. Ross, Chairperson
Alderman B. Charters, Vice-Chairperson
Mayor Robert M. Morrow
Alderman G. Copps
Alderman T. Anderson
Alderman D. Drury
Alderman V. Agro

Regrets: Alderman T. Cooke
Alderman D. Agostino

Also present: Alderman F. Eisenberger
J. Pavelka, Chief Administrative Officer
A. Ross, Treasurer
P. Noé Johnson, City Solicitor
D. Vyce, Director of Property
J. Schatz, City Clerk
S. Hollowell, Administrative Manager, City Clerk's Department
Susan K. Reeder, Secretary

The Committee agreed to move In-Camera to discuss a matter of a Private and Confidential nature.

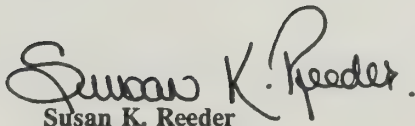
The Committee moved back into Regular Session and approved the following:

"That Section 26 of the Fourteenth Report of the Finance and Administration Committee be amended by deleting all reference to 1992 September 1 and inserting in lieu thereof "1992 October 5".

Adjournment

There being no further business, the meeting then adjourned.

Taken as read and approved,


Susan K. Reeder
Secretary
1992 August 25

**ALDERMAN D. ROSS, CHAIRPERSON
FINANCE AND ADMINISTRATION COMMITTEE**

B (i)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 September 17

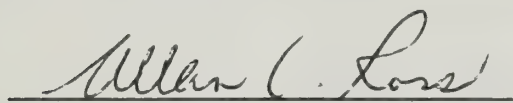
REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Allan C. Ross
Treasurer

**SUBJECT: PROPOSED CONSTRUCTION OF INDEPENDENT
CONCRETE WALK EAST SIDE OF UPPER
SHERMAN AVENUE APPROXIMATELY 35m NORTH
OF LIMERIDGE ROAD EAST TO APPROXIMATELY
26m NORTHERLY**

RECOMMENDATION:

That the City Solicitor be authorized to make application to the Ontario Municipal Board for approval to construct an independent concrete sidewalk on the east side of Upper Sherman Avenue approximately 35m north of Limeridge Road East to approximately 26m northerly at an estimated gross cost of \$6,200.00 with a City's share of \$4,102.40 to be financed from 1992 Capital Levy and the balance of \$2,097.60, being the Owner's share, to be financed by the issuance of debenture for a period not to exceed 20 years. It is further recommended that application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the amount of \$2,097.60 for a term not to exceed 20 years for the above project.


Allan C. Ross

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See above recommendation. The project is included in the 1992-2001 Capital Budget Program.

Susan Reeder, Secretary
Finance and Administration Committee
1992 September 17 - Page 2

BACKGROUND:

This item is to be considered by the Transport and Environment Committee on September 21, 1992.

NRA:jc

c.c. K. Christenson, Secretary, Transport and Environment Committee
D. Lobo, Director of Public Works, Attention: R. Meiers
P. Noé Johnson, City Solicitor
G.W. Lawson, Treasurer and Commissioner of Finance, Region
Attention: G. Davis

"Copy sent to J. Thompson, Manager, Legislative Division,
City Clerks Department; S. Glover, Legislative Assistant,
City Clerks Department and C. Coutts, Legislative Assistant,
City Clerks Department - 1992 September 16th".

B
(ii)

CITY OF HAMILTON

- INFORMATION -

DATE: 1992 September 15

REPORT TO: Susan Reeder, Secretary
Finance and Administration Committee

SEP 16 1992

FROM: Allan C. Ross
Treasurer

SUBJECT: STATUS OF HOSTING, RECEPTIONS AND
RELATED ACCOUNTS


BACKGROUND:

Attached are the following analyses of accounts related to hostings and receptions as at
August 31, 1992, with a comparison to the year 1991:

<u>for the year ended 1991</u>			<u>to August 31, 1992</u>		
<u>Budget</u>	<u>Actual</u>	<u>Description</u>	<u>Budget</u>	<u>Amount Spent & Committed</u>	<u>Balance Available</u>
\$50,000.00	\$48,000.00	Hosting of Conferences with Municipal Subject Content	\$16,000.00	\$17,354.37	\$(1,354.37)
10,000.00	8,036.18	Receptions - City Hall	10,000.00	7,613.76	2,386.24
48,000.00	47,130.44	Special Civic Receptions and Delegation Hosting	40,000.00	20,581.94	19,418.06
15,000.00	10,982.04	Civic Pins, Medals and Rings	15,000.00	19,010.95	(4,010.95)
		Use of City Hall			
<u>3,910.00</u>	<u>7,952.99</u>	- Outside Groups	<u>3,910.00</u>	<u>5,662.32</u>	<u>(1,752.32)</u>
<u>\$126,910.00</u>	<u>\$122,101.65</u>		<u>\$84,910.00</u>	<u>\$70,223.34</u>	<u>\$14,686.66</u>

Please note that three of the above accounts are in overdraft, however the bottom-line total of the five accounts is within budget.

These accounts are forwarded to this Committee on a monthly basis for the information of the members.


Allan C. Ross

Attachment

City of Hamilton
HOSTING OF CONFERENCES WITH MUNICIPAL SUBJECT CONTENT
Account CH 55307 80040
for the period ended August 31, 1992

COUNCIL MEETING	DESCRIPTION	AMOUNT \$	TOTAL \$
-----	-----	-----	-----
92/02/25	Children's International Games Lausanne, Switzerland - March 18 - 22, 1992 (Bob Sugden, Director of Culture & Recreation)	2,154.37	
92/05/12	Ontario Recreation Forum-Conference Hamilton, Ontario - May 7-9, 1992 (Bob Sugden and 5 Culture & Recreation Staff)	1,200.00	
	Total Expended		3,354.37
	ADD: Commitments		
90/11/27	1992 Ontario Seniors Games (Upset Limit)	14,000.00	
	Total Committed		14,000.00
	Total Actual Expended and Committed to date		17,354.37
	LESS: Appropriation		16,000.00
	SURPLUS (DEFICIT)		(1,354.37)

City of Hamilton
 RECEPTIONS - CITY HALL
 Account CH 55313 84010
 for the period ended August 31, 1992

REFERENCE NUMBER	DATE	DESCRIPTION	AMOUNT \$
160418	92/01/10	Mayor's Office	7.77
161035	92/01/25	Ukrainian Independence Day	490.62
161035	92/01/26	Associazione Musicale	626.70
161801	92/01/28	Mayor's Office	11.66
161801	92/01/29	Mayor's Office	21.86
161801	92/01/29	Mayor's Office	15.54
163300	92/02/18	Mayor's Office	37.46
165018	92/03/04	Mayor's Office	599.40
165018	92/03/06	Mayor's Office	116.55
165018	92/03/11	Mayor's Office	15.54
165018	92/03/11	Mayor's Office	219.50
165018	92/03/12	Mayor's Office	15.54
165018	92/03/13	Mayor's Office	84.25
165018	92/03/13	Mayor's Office	15.54
166034	92/03/17	Mayor's Office	15.54
166377	92/04/02	Mayor's Office	15.43
166377	92/03/24	Mayor's Office	15.54
167352	92/04/08	Mayor's Office	7.77
167352	92/04/09	Mayor's Office	24.86
168076	92/04/12	Jewish Community Centre	339.61
168076	92/04/07	Mayor's Office	190.48
168437	92/04/26	Mayor's Office	140.86
168437	92/04/21	Mayor's Office	38.85
168437	92/04/24	Mayor's Office	19.53
168707	92/04/28	Mayor's Office	646.41
168707	92/04/28	Mayor's Office	25.53
168707	92/04/29	Mayor's Office	109.89
168707	92/04/30	Mayor's Office	20.21
168707	92/05/02	Mayor's Office	240.54
169428	92/05/05	Mayor's Office	376.06
169428	92/05/06	Mayor's Office	202.58
169428	92/05/06	Mayor's Office	66.27
169428	92/05/10	Mayor's Office	140.86
170677	92/05/12	Mayor's Office	83.25
170677	92/05/12	Mayor's Office	17.76
170677	92/05/15	Mayor's Office	7.77
171213	92/05/26	City Clerks - City Council Meeting	17.76
171213	92/05/27	Mayor's Office	5.78
171213	92/05/28	Panel on Violence Against Women	71.87
171213	92/05/29	Croatian Union	14.66
171213	92/05/29	Boy Scout Parade Reception	21.87
171213	92/06/01	Mayor's Office	39.57
171528	92/06/04	Mayor's Office	71.04
171528	92/06/06	Lusofest Celebrations	668.78
171528	92/06/12	Mayor's Office	31.64
171528	92/06/12	Mayor's Office	334.39
172636	92/06/19	Mayor's Office	40.24
172636	92/06/20	Mayor's Office	104.57
172636	92/06/22	Occupational Health & Safety Week Proclamation	38.85
174283	92/06/24	Beth Phinney Voyageurs - Football Hall of Fame	122.54
174283	92/06/26	Mayor's Office	100.13
174283	92/06/30	City Council Meeting	17.76

City of Hamilton
 RECEPTIONS - CITY HALL
 Account CH 55313 84010
 for the period ended August 31, 1992

REFERENCE NUMBER	DATE	DESCRIPTION	AMOUNT \$
174283	92/07/06	Mayor's Office	35.52
175784	92/07/06	Mayor's Office	11.66
176546	92/07/21	Visit - Michele Nicola Caruso	70.76
177572	92/07/22	Otigheim Orchestra	101.89
177572	92/07/28	City Council Meeting	17.76
177875	92/08/04	Mayor's Office	7.77
177875	92/08/09	Plough Shares Event	93.52
179052	92/08/19	Mayor's Office	189.58
179052	92/08/19	Mayor's Office	135.37
179052	92/08/19	Voyageur Groups	107.28
179052	92/08/20	Mayor's Office	58.28
179052	92/08/22	Mayor's Office	59.39
Total Actual Expended to Date			7,613.76
LESS: Appropriation			10,000.00
SURPLUS (DEFICIT)			2,386.24

City of Hamilton
SPECIAL CIVIC RECEPTIONS AND DELEGATION HOSTING
Account CH 55314 84010
for the period ended August 31, 1992

COUNCIL MEETING	DESCRIPTION	AMOUNT \$	TOTAL \$
-----	-----	-----	-----
-	Reception for the Commissioner of Employment Equity January 8, 1992	614.34	
92/03/31	2nd Annual Steel City Senior Bowl - June 27, 1992	1,000.00	
92/03/31	Dr. Elena Bonner, The Bertrand Russel Peace Lecturer - March 26, 1992	799.20	
-	Italian General Avarello	440.08	
92/04/28	Royal Hamilton Military Institute - April 18, 1992 General Crerar, Brigadier Todd & Family	268.29	
-	M.O.E. Citizen Committee Breakfast Meeting May 12, 1992	217.48	
-	Royal Bank V.P.'s Breakfast meeting - May 11, 1992	216.90	
92/05/12	Roberta Bondar Reception - May 14, 1992	2,898.71	
-	Dinner for CIBC Chairman - April 23, 1992	1,013.45	
-	Jean's Flower Shop Inc. - May 20, 1992	42.74	
92/02/25	Hamilton International Air Show June 20 - 21, 1992	8,000.00	
92/03/31	National Conference Canadian Association of Elizabeth Fry Societies June 11, 1992	408.50	
-	German Orchestra - July 22, 1992	1,287.25	
92/04/28	Academic Folklore Group from Ljubljana, Slovenia August 20, 1992	54.11	
	Total Expended	-----	17,261.05
	ADD: Commitments		
92/04/28	Academic Folklore Group from Ljubljana, Slovenia August 20, 1992	320.89	
92/06/30	1992 Canada Cup of Wrestling & Olympic Team July 1, 1992	3,000.00	
	Total Committed	-----	3,320.89
	Total Actual Expended and Committed to date		20,581.94
	LESS: Appropriation		40,000.00
	SURPLUS (DEFICIT)		19,418.06
			=====

City of Hamilton
CIVIC PINS, MEDALS AND RINGS
Account CH 56126 84010
for the period ended August 31, 1992

REFERENCE NUMBER	DESCRIPTION	AMOUNT \$
-----		-----
161389	1 - 10k Man's Civic Ring & 1 - 5pt C Diamond & Box	322.04
162471	5 - 10k Man's Civic Ring & 5 Boxes	1,138.47
162471	63 Civic Pins & 63 Boxes	1,494.40
L306919	Civic Award	(235.90)
164444	24 - GF Civic Pinette & 24 Boxes	569.30
165800	5-10K Civic Rings - School Pins/Rings	2,497.50
168428	2 - 5pt Genuine Ruby, 2 - 5pt Diamond W/Collet and 7 - 5pt Diamond	962.37
169865	7 - 10k Man's Civic Ring & 7 Boxes	1,593.86
172365	26 - S/S Provincial Champs Pinette	575.18
174166	School Pins/Rings	499.50
L309684	City Clerks - Civic Ring	(192.77)

	Total Actual Expended to Date	9,223.95
	ADD: Commitments	
PO16405	Women's Gold Ring	450.00
	Various Awards	9,337.00

	Adjusted Total	19,010.95
	Less: Appropriation	15,000.00

	SURPLUS (DEFICIT)	(4,010.95)
		=====

City of Hamilton
USE OF CITY HALL-OUTSIDE GROUPS
Account CH 55222 10034
for the period ended August 31, 1992

REFERENCE NUMBER	DATE	DESCRIPTION	AMOUNT \$
162713	92/01/24	Heaven Piano Co. - Tuning & Lubricate Pedal	278.61
161873	92/02/06	Heaven Piano Co. - Tuning & Adjusting Piano	310.80
JV01055	92/01/25	Ukranian Function	489.84
JV01080	92/01/19	Associazione Musicale	92.90
JV02040	92/02/14	Mundialization Interfaith	167.21
JV02041	92/02/14	Ukranian Independence Day	69.67
JV02041	92/02/14	Associazione Musicale Rehearsals	202.38
JV02043	92/02/14	Interfaith Meeting	160.70
JV03079	92/03/07	Congress of Black Women	209.01
JV04129	92/04/12	Humanitarian Awareness	195.07
JV04129	92/04/11	Aides Network	414.53
JV05009	92/04/25	High School Oratorial Contest	139.34
JV05009	92/04/25	Croatian Peace Rally	62.70
JV05009	92/04/26	Great Ride to Beat Cancer	195.07
170590	92/04/28	P. A. Sound System - Day of Mourning Dedication	205.35
JV05155	92/05/02	Polish Proclamation	83.60
JV05149	92/05/10	High School Oratorial Contest	111.47
JV06023	92/05/19	Ukrainian Canadian Congress	111.47
JV06023	92/05/24	Hamilton Aides Network	209.01
JV06033	92/05/30	Boy Scout Parade & Croation Union	209.01
JV06156	92/05/30	Boy Scout Parade & Croation Union	564.00
JV06122	92/06/06	Luso - Canadian Cultural Council	304.23
JV07139	92/06/13	Shrine Parade	600.00
176048	92/06/21	P. A. Sound System - Racalmutese Parade	205.35
JV08161	92/07/21	Install Boris Brott Music Festival Sign	71.00
Total Actual Expended to Date			5,662.32
LESS: Appropriation			3,910.00
SURPLUS (DEFICIT)			(1,752.32)

CITY OF HAMILTON
- INFORMATION -

B
(iii)

DATE: 1992 September 16

REPORT TO: Susan Reeder, Secretary
Finance and Administration Committee

FROM: Allan C. Ross
Treasurer

SUBJECT: STATUS OF UNCLASSIFIED REVENUE AND
EXPENDITURES AS AT AUGUST 31, 1992


BACKGROUND:

Attached are the analyses of the Unclassified Revenue account and the Unclassified Expenditures account for the period ending August 31, 1992.

<u>for the year ended 1991</u>		<u>Description</u>	<u>Budget</u>	<u>Actual to date</u>	<u>Balance Available (to come)</u>
<u>Budget</u>	<u>Actual</u>				
\$(50,000.00)	\$ (41,263.73)	Unclassified Revenue	\$(50,000.00)	\$(28,027.47)	\$(21,972.53)
75,000.00	106,568.53	Unclassified Expenditures	65,000.00	49,226.25	15,773.75

It should be noted that Unclassified Expenditures were reduced by \$10,000.00 during the budget review, to \$65,000.00, in comparison with the year 1991 where an overdraft of \$31,568.53 occurred.

These accounts will be forwarded to this Committee on a monthly basis for the information of the members.


Allan C. Ross

KL:jc
Attachment

CITY OF HAMILTON
TREASURY

UNCLASSIFIED REVENUE
AS AT AUGUST 31, 1992

CENTRE NUMBER:CH 24201
Appropriation: \$ 50,000.00

COMMISSIONS:

Bell Telephone	4,785.52
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SALES:

Photocopier Revenue	0.00
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MISCELLANEOUS:

Reimbursement of Employee Absences	
Due to Union Business	23,540.57
Cheques Written Off/Reinstated	(609.85)
Witness Fees	56.00
Sales Tax	103.16
Other Revenues	152.07

Total Revenue To Date	28,027.47
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Less: Appropriation	50,000.00
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Surplus (Deficit)	(21,972.53)
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=====

CITY OF HAMILTON
TREASURY

UNCLASSIFIED EXPENDITURES
AS AT AUGUST 31, 1992

Centre Number: CH 24210
Appropriation: \$ 65,000.00

LUNCHEONS, DINNERS, SANDWICHES, COFFEES, ETC.

City Council	2,375.16
Finance and Administration Committee	3,009.18
Parks and Recreation Committee	2,330.65
Planning and Development Committee	2,962.21
Transport and Environment Committee	1,372.75
Keep Hamilton Clean Citizen's Committee	186.09
Crystal Palace Subcommittee	935.55
Golf Subcommittee	127.75
Hamilton Historical Board	2,580.56
Citizen Advisory	508.05
Committee of Adjustment	1,085.63
CAIP Subcommittee	105.68
Non Profit Housing	689.41
Hamilton Housing Corporation	41.51
License Subcommittee	877.43
Farmers Market Subcommittee	344.55
English Subcommittee	171.70
French Subcommittee	1,227.61
Taxicab Taskforce Subcommittee	569.70
Property Standards Subcommittee	22.76
Current Budget Subcommittee	16.21
Information Systems	52.50
Mundialization Committee	613.72
Football Hall of Fame	1,006.48
Canusa Games Committee	931.90
Civic Charity Committee	76.59
Management Team	901.97
Hamilton Arts Award	1,761.13
One Tier Review Committee	235.48

Total Committee Expenditures	27,119.91

CITY OF HAMILTON
TREASURY

UNCLASSIFIED EXPENDITURES
AS AT AUGUST 31, 1992

Centre Number: CH 24210
Appropriation: \$ 65,000.00

MISCELLANEOUS

258 Beach Blvd. - Maintenance Charges	346.70
Collection Agency Fees	865.35
Cashiers Over & Short	(3.68)
P. A. Sound Systems Various Meetings	138.75
Flowers & Wreaths	230.61
By-law Registration	472.00
Parking and Cab expenses	586.83
Hydro Charges - Road Sign	113.46
C.N.R. - Realty Taxes - City Yard Storage	3,819.51
Corporate Challenge	2,474.26
Canadian Taxi Association Membership	100.00
Brott Summer Music Festival	342.30
Smoking Cessation Program	417.65
International Great Lakes Mayor's Conference	6,128.51
Damage to Car-Rousseau	170.89
Omers Adjustments	94.99
Isc Paper Recycling Canada	5,228.28
Japanese Students Visits	160.90
State Visit Foreign Official	19.43
Italian Students Delegation	399.60

Total Miscellaneous Expenditures	22,106.34

Total Expenditures	49,226.25
Less: Appropriation	65,000.00

Balance - Surplus (Deficit)	15,773.75
	=====

CITY OF HAMILTON
- INFORMATION -

B.
(iv)

DATE: 1992 September 18

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Allan C. Ross
Treasurer

**SUBJECT: POST AUDIT LETTER
RECOMMENDATIONS AND COMMENTS CONCERNING
ACCOUNTING SYSTEMS, PROCEDURES AND CONTROLS
FOR 1991**

BACKGROUND:

Enclosed is the 1991 Management Letter issued by MacGillivray Partners Chartered Accountants, on the City's operations for the Committee's review. Included in the management letter are the observations or weaknesses of the existing systems audited, recommendations for strengthening these systems and the corrective action taken by management.


Allan C. Ross

Encls.
DJK/djk

c.c. Mayor R. Morrow and Members of City Council
J.G. Pavelka, Chief Administrative Officer

CITY OF HAMILTON

POST AUDIT LETTER

RECOMMENDATIONS AND COMMENTS CONCERNING
ACCOUNTING SYSTEMS, PROCEDURES AND CONTROLS
FOR 1991

MAY 1992

**PREVIOUSLY REPORTED UNRESOLVED WEAKNESSES
AND WEAKNESSES NOTED IN 1991
FOR THE FIRST TIME**

CONTENTS

	Previously Reported Unresolved Weaknesses		Weaknesses Noted in 1991 For the First Time	
Areas	Number of Recommendations	Page Numbers	Number of Recommendations	Page Numbers
Payables	2	1		
General	1	2		
Municipal Non-Profit (Hamilton) Housing Corporation	1	3		
Hamilton Municipal Retirement Fund	1	4		
Business Improvement Areas	1	5-7		
Trust Funds	1	8		
Municipal Non-Profit (Hamilton) Housing Corporation			2	9-10
Hamilton Public Library			1	11
Hamilton Housing Company Limited			1	12
Building Department			2	13
Hamilton Municipal Retirement Fund			1	14
General			1	15

PAYABLES

Previously Reported Weaknesses

- | | | |
|-----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. The inter-fund balance with Hamilton Municipal Retirement Fund did not agree at year end.</p> | <p>These accounts should be agreed and/or reconciled on a monthly basis with differences followed up promptly.</p> | <p>Recommendation accepted. Procedures will be created to ensure that the HMRF accounts are reviewed on a monthly basis.</p> |
| <p>2. Several clearing accounts did not clear at year end.</p> | <p>All clearing accounts should be reviewed on a regular basis (monthly) to ensure that they clear.</p> | <p>Recommendation accepted. The clearing accounts in question will be reviewed to ensure that they have been correctly classified and/or new procedures for reviewing the accounts will be implemented.</p> |

GENERAL

Previously Reported Weaknesses

1. The journal vouchers are designed to accommodate at least three signatures; the preparer ("Prepared By"), someone who approves the journal voucher ("Approved By") and the Manager of Accounting. In the course of our audit work we discovered that not all journal vouchers were properly approved. For example, there were some journal vouchers that were signed by the same person under "Prepared By" and "Approved By" even though the instructions on the back of the Journal Voucher indicate that the area marked "Approved By" is "to be signed by a supervisor or manager of the department preparing the journal voucher who must be in a position superior to the preparer". This could result in an incorrect entry being recorded.

The instructions on the back of the journal voucher should be followed to prevent the possibility of incorrect entries being recorded.

Recommendation accepted. Staff are continuing to monitor authorizations to ensure compliance.

MUNICIPAL NON-PROFIT (HAMILTON) HOUSING CORPORATION

Previously Reported Weaknesses

1. There is no formal written agreement between Municipal Non-Profit (Hamilton) Housing Corporation and Kiwanis Community Services. This could lead to misunderstandings and conflicts with respect to functions to be performed.

A formal agreement should be written up and signed by both parties indicating the terms and functions of each party.

In 1991 MNPHC negotiated and forwarded to Kiwanis a property management contract for execution. At this point in time the contract has not been executed. This issue will be discussed by the Board shortly, and it is anticipated a resolution on the matter will occur by year end.

HAMILTON MUNICIPAL RETIREMENT FUND

Previously Reported Weaknesses

1. The inter-fund balance with the Corporation of the City of Hamilton did not agree at year end.

The inter-fund balance should be reconciled on a regular basis with any differences followed up promptly.

Recommendation accepted as previously noted.

BUSINESS IMPROVEMENT AREAS

Previously Reported Weaknesses

1. While performing our audits on the Business Improvement Areas, we noticed the following in some of the BIA's.

- (a) Invoices were paid in 1991 but related to 1990. They were not set up as accounts payable in 1990. In one BIA, these amounted to approximately \$ 11,000.
- (b) Cash was received in 1991 but related to 1990. This was not set up as a receivable in 1990.

The majority of the BIA's record their transactions manually in cash books (Ottawa Street and Downtown Promenade are the exceptions - they use a computerized general ledger). Cheques and deposits are recorded from the bank statements. This could lead to the following:

- (a) Errors made by the bank would not be caught since recording is done from the bank statement. This method is based on the assumption that the bank statement is always correct.

The BIA's are becoming large enough that a cash book system is not fulfilling their needs adequately. The BIA's should adopt a system whereby they maintain a general ledger, accounts payable listing and an accounts receivable listing in addition to their cash book.

A system should be devised for a City Hall employee from Treasury to monitor the progress of the Business Improvement Areas on a regular basis, such as quarterly.

ie) Visits should be made to the BIA treasurers to review the books and records to ensure -

- the books are written up in a neat, orderly fashion
- the books are up-to-date
- all cheques written are recorded in the books at the time the cheque is written as opposed to when the cheque clears the bank (i.e. from the bank statement)
- deposit slips are available and all deposits are properly recorded when the deposit is made as opposed to when it clears the bank

Recommendation will be forwarded to BIA's for consideration, and discussion with City staff.

Staff will continue to work with the BIA's to encourage proper fiscal reporting. Staff plan to monitor the process and recommend methods which will improve the respective accounting processes.

BUSINESS IMPROVEMENT AREAS

Previously Reported Weaknesses

- (b) Cheques could be written and not yet cashed by the bank. They would not be recorded in the BIA's books. As a result, the available cash balance in the books would be higher than it actually is.
- (c) Invoices that have been received for payment but that have not been paid would not be recorded as accounts payable in the books of the BIA. Some of the cash in the bank has been committed to pay these invoices yet there is no record of these payables. Expenditures of the BIA would also be understated.

By not recording transactions promptly, the BIA's are making decisions based on out-of-date and inaccurate information.

The Business Improvement Areas must be consolidated with the City of Hamilton. It is thus the City's responsibility to ensure that financial statements for the BIA's are prepared on a timely basis to facilitate consolidation. This is complicated by the fact that no two BIA's do their accounting in the same manner (two are computerized; six are manual) and the fact that the bookkeepers for the BIA's have varying levels of expertise.

- the books add and cross add
- bank reconciliations are done monthly
- payable and receivable lists are prepared at year end (as a minimum)
- invoices or other suitable documentation (e.g. leases) are available for all disbursements and filed in a systematic manner
- documentation exists for all deposits (i.e. remittance slips, summary showing source of funds) and is filed in a systematic manner
- minutes are kept and are up-to-date
- all accounting entries are appropriate and correct

The visits should ideally be made by someone familiar with accounting and bookkeeping.

Special emphasis should be placed on ensuring that the recorded transactions are complete and accurate as well as ensuring that the accounting treatment is appropriate.

BUSINESS IMPROVEMENT AREAS

Previously Reported Weaknesses

The books and records of the BIA are not reviewed by City staff regularly so that any problems that may occur will not be detected until the time the financial statements are being prepared (usually two or three months after year end).

TRUST FUNDS

Weaknesses Noted for the first Time in 1991

1. The trust fund accounts are contained in the City's trial balance. When the trust fund accounts are taken out of the City's books (for preparation of the Trust Fund financial statements), an imbalance is created in the City's financial statement - Due to/from Trust Funds. When the Trust Fund's financial statements are prepared they also contain an imbalance - Due from/to City of Hamilton. This imbalance arises because the City holds the Trust Fund's cash in the City general bank account. The two imbalances should be the same but in opposite directions.

When we received the financial statement for the Trust Funds, the imbalance amount did not agree to the amount shown in the City's financial statements. Also, many of the amounts shown on the trust fund financial statements did not agree to the trial balance. Numerous adjustments had to be made to the trust fund financial statements.

A thorough review should be made of the trust fund accounts in the trial balance. Adjustments should be made so that the balances at the beginning of the year agree to the balances on the financial statements.

When the financial statements are prepared, there should be an internal review independent of the preparer prior to delivery of the financial statements to the auditors.

Recommendation accepted. The details of the audit adjustments will be reviewed with the external auditors. The appropriate entries will then be entered in the accounting records. Draft financial statements will be thoroughly reviewed by senior treasury staff prior to their presentation to the auditors.

MUNICIPAL NON-PROFIT (HAMILTON) HOUSING CORPORATION

Weaknesses Noted for the first Time in 1991

1. The bank account used by Kiwanis on behalf of the Corporation is listed in Kiwanis' name. This could lead to confusion especially if Kiwanis has other bank accounts of its own in its own name.

The bank account should be in the name of the Municipal Non-Profit (Hamilton) Housing Corporation.

The bank account used by Kiwanis to deposit rental revenue and pay for maintenance expenses is listed as 'Municipal Non Profit (Hamilton) Housing Corporation in Trust'. However, some of the banks internal reports (ie. bank statement) only refer to Kiwanis. The accountant at Kiwanis has instructed the bank to change all their records to properly reflect ownership. This will be monitored to ensure compliance.

MUNICIPAL NON-PROFIT (HAMILTON) HOUSING CORPORATION

Weaknesses Noted for the first Time in 1991

2. The Corporation shows government contributions receivable which represent operating deficits. These amounts are due from the Ministry of Housing. Some of the balance relates to 1989. While the Ministry is not paying these amounts to the Corporation, the Corporation has had to use City funds to temporarily finance its operations. The amount owing to the City is included in the Due to the City of Hamilton on the balance sheet (part is operating and part is capital - capital projects are paid through the City until mortgage financing is obtained.)

As the Ministry puts off its payments (primarily due to disputes over vacancies and 75 Wentworth) the City is financing more. The original intent of the Corporation was that it would be no cost to the City.

If the Ministry refuses to fund these deficits, the Corporation has no source of funds to make up the shortfall.

A plan should be implemented for collection of the outstanding receivable from the Ministry.

Recommendation accepted. Staff will write to the Ministry advising them of the Auditors concerns. They will attempt to obtain a commitment from the Ministry for the contribution toward the operating deficits, or negotiate an arrangement which is satisfactory to both parties.

HAMILTON PUBLIC LIBRARY

Weaknesses Noted for the First Time in 1991

1. We noted during our audit that some liabilities were set up as at December 31, 1991 but did not exist as at that date (ie the goods or services were not received until 1992). Although the amount was not material in this instance for our audit purposes, the liability did not exist as at the year end.

Accounting for expenditures and payable should follow the policies set out in the Municipal Financial Reporting Handbook. Thus, expenditures should not be recorded and payables should not be set up unless the goods or services have been received at year end.

The liabilities mentioned were set up as at December 31, 1991, and represented the cost of goods for which purchase orders were issued and funds committed from the 1991 budget. We will ensure that liabilities for goods ordered and funds committed at year end are not set up as liabilities in the future.

HAMILTON HOUSING COMPANY LIMITED

Weaknesses Noted for the First Time in 1991

1. There is no current signed Rent Subsidy Agreement between Hamilton Housing, the Ministry and the CMHC. This could lead to disputes and/or collection problems with respect to the rent subsidies. If the subsidies are not collected from the Ministry, another source will have to be found (eg. tenant, City).

There should be a current signed Rent Subsidy Agreement.

The subsidies receivable should be followed up promptly and any actions necessary to collect the subsidies should be implemented.

Renewal of the old rent supplement agreement was stayed by the Hamilton Wentworth Housing Authority on the basis that a new agreement with extra monies to subsidize additional units was imminent. However, it appears the Province does not have funding for additional units. Therefore, the Hamilton Wentworth Housing Authority has been requested to renew the old agreement and provide the retroactive rent supplements

BUILDING DEPARTMENT

Weaknesses Noted for the First Time of 1991

1. There is no independent check for accuracy of daily deposits indicated on the Daily Statements of Receipts. This could lead to errors or omissions.

To ensure that the daily deposits are accurate, another staff member (other than the preparer) should initial the "Daily Statement of Receipts" form once it has been compared to the whiz receipt and cash register tape for accuracy. This will compensate for non-segregation of duties between the cashier and the depositor.

Recommendation accepted. The daily deposit is presently checked for accuracy by the Supervisor of Customer Services or the Supervisor appointee. The deposit envelopes and the "Daily Statement of Receipts" are initialed by both the preparer and checker.

2. No check is made by the Building Department to ensure that its receipts of cash are properly entered into the accounting system.

To ensure that the daily receipts have been properly recorded into the accounting system, a copy of the monthly transaction listing for the accounts affected should be forwarded to the Building Department where it can be compared to their records (Daily Statement of Receipts form) to ensure that it is correct. Some indication that everything is correct (such as initials) should be noted on the transaction listing by the person comparing it to the whiz receipt.

Recommendation accepted. The preparer and checker as noted previously ascertain the accuracy of the deposit information including the amount of the deposit, the nature of the deposit, and the pertinent account number. The Budget Co-ordinator, checks on a regular basis the gross account balances against the "Monthly Transaction Listing For Budget Accounts" and the "Available Funds Reports", with any discrepancies reported to the Treasury Department.

HAMILTON MUNICIPAL RETIREMENT FUND

1. The Bank of Montreal acts as custodian of the assets of the Hamilton Municipal Retirement Fund. Each month a statement is received from the Bank of Montreal showing the asset position and investment transactions for the month. These transactions are not being recorded into the books of the HMRF on a timely basis. The accounting for these transactions was done months after the year end. By not recording the transactions on a monthly basis, the following could occur.

- (a) Any errors made by the Bank of Montreal would not be caught until well after the fact.
- (b) By leaving all of the recording until later means that one is dealing with more information at one time. This may lead to errors being made unintentionally.

The transactions for the Hamilton Municipal Retirement Fund which are recorded by the Bank of Montreal should be reviewed monthly and recorded into the Available Funds Report monthly.

Recommendation accepted. Procedures will be monitored.

GENERAL

1. Accounts Receivable

The monthly accounts receivable balances should be reviewed by a senior treasury officer. Although the review may be performed, there is no documentation to assume this control was in existence.

The review of the accounts receivable should be documented (ie. by signature etc. on the aged listing).

Recommendation accepted. Aging list will be authorized, when reviewed.

CITY OF HAMILTON
- INFORMATION -

C (i)

DATE: 1992 August 18

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: J. G. Pavelka, P.Eng.
Chief Administrative Officer

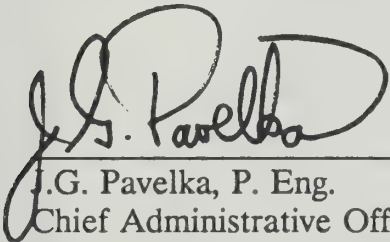
SUBJECT: United Way Loan Program

AUG 20 1992

BACKGROUND:

The City of Hamilton has provided a staff person to participate in the fund raising campaign for the United Way which takes place each year from September to January. The City's Representative for this year's campaign is Ms. Debbie-Ann Rashford, Administrative Assistant of the Property Department.

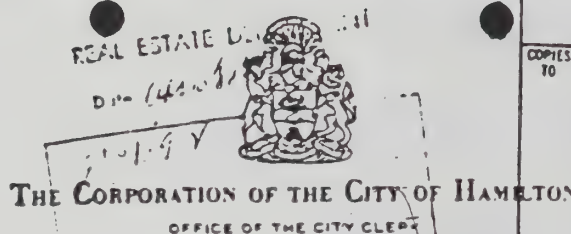
Previously, a method of selecting a participant for this annual program by Department was arranged. Attached is a letter indicating the Departments that were selected to send someone to be a Loaned Representative for the years up to and including 1994.


J.G. Pavelka, P. Eng.
Chief Administrative Officer

Attach.

c.c. Management Team

E. A. SIMPSON
CITY CLERK
K. E. AVERY
DEPUTY CITY CLERK



April 8, 1980

Mr. J. R. Jones,
Secretary,
Board of Control.

Re: United Way Loaned Executive Programme

In your letter dated March 27, 1980 you advised of the approval of the Board of Control to the method of selecting a participant in the United Way Loaned Executive Programme. You also advised, however, that the Community Development Department, being the first on the list, and the Purchasing Department, being the second on the list, have on more than one occasion provided staff for this Programme.

I advised you in a previous letter dated March 19, 1980 that the City Clerk's and City Treasury Departments were excluded from the original draw because loaned executives had been provided by these two Departments in the past. The Committee was unaware at that time that the Community Development and Purchasing Departments had also contributed. As a result, the Committee invited the Heads of 15 City Departments to witness another draw which would include all of these Departments, regardless of past contributions to the Loaned Executive Programme.

The results of that draw conducted at the Administrative Committee meeting on Tuesday, April 8, 1980 are as follows:-

*Have
start Limited
Way*

- | | |
|-----------------------------------------|-------------------------------------------------|
| 1. Traffic Department 1980 | 9. Building Department 1981 |
| 2. Personnel Department 1981 | 10. Purchasing Department 1982 NO EVAL
A1245 |
| 3. Legal Department 1982 | 11. City Clerk's Department 1990 PURCH. |
| 4. Engineer's Department 1983 | 12. Hamilton Place 1991 |
| 5. Treasury Department 1984 | 13. Real Estate Department 1992 |
| 6. Fire Department 1985 | 14. Community Development Dept. 1993 |
| 7. Recreation Department 1986 | 15. Library. 1994 |
| 8. Streets & Sanitation Department 1987 | |

APR 4 1980	
COPIES TO	DEPARTMENTS
	ARCHITECT
	BUILDING
	CITY CLERK
	COMMUNITY DEVELOPMENT
	ENGINEER
	FIRE
	PARKS
	PERSONNEL
	PLANNING
	PURCHASING
	REAL ESTATE
	RECREATION
	SOLID WASTE
	STREETS & SANITATION
	TRAFFIC
	TREASURER

All Dept. involved

AUTHORIZED BY BOARD OF CONTROL
[Signature]
CITY CLERK

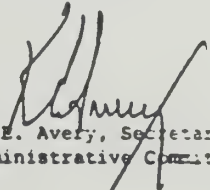
Mr. J. R. Jones,
Secretary,
Board of Control.

April 8, 1980

Page 2

If this method of selection is still acceptable to the Board, it is recommended that the Director of Traffic be requested to provide a loaned executive this year, the Personnel Director in 1981, the City Solicitor in 1982, et cetera.

KEA/cg


K. E. Avery, Secretary,
Administrative Committee.

cc: Mr. W. H. McFarland, Chairman,
Administrative Committee.

John Ross, Student - 1989

Nadine Kelly, Purchasing Department - 1990

Bob Ellison, HECFI - 1991

C
(ii)

CITY OF HAMILTON
- INFORMATION -

DATE: 1992 September 15

REPORT TO: Ms. Susan Reeder, Secretary
Finance and Administration Committee

FROM: Mr. J. G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: **MR. SAM FLOYD, ASSESSED VALUE
CONDOMINIUM UNITS, 240 QUIGLEY ROAD**

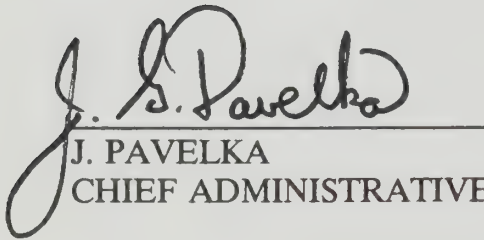
BACKGROUND:

As requested by the Finance and Administration Committee on July 23, 1992, I arranged a meeting with the owner and the appropriate officials to discuss the assessed value of the condominium units at 240 Quigley Road. This meeting was held on Thursday, September 10, 1992. In attendance were Sam Floyd, unit owner at 240 Quigley and representative for other owners, Robert Cushing, Commissioner of Assessment, Allan Ross, City Treasurer, Tom Bradbury, Supervisor of Taxation and myself.

After listening to the ensuing discussion, I can offer the following summary and comments:

1. Mr. Cushing explained what information had been utilized in arriving at the 1992 assessed value. As at November, 1991 only one unit had been sold in the complex. In conjunction with that sale price and the developer's list prices of the remaining units at the time, an assessment was calculated.
2. Mr. Floyd acknowledged receiving the assessment notice for the 1992 taxation year and not filing an appeal by the January 7, 1992 deadline. He contends that he did not realize what the tax implications were at the time and did not realize what the magnitude of the 1992 realty taxes would be until he received his first tax bill in February of 1992. He further identified his disagreement with the assessed 1992 value.
3. After receiving further sales figures through 1992, the assessment department has advised that the assessment will be recalculated for the 1993 taxation year. Mr. Floyd was advised that he should monitor the assessment notice mailed in December 1992 and act accordingly prior to the January deadline.

4. There is no legislative avenue in the Municipal Act or the Assessment Act by which Mr. Floyd can have an appeal of the 1991 assessment used for 1992 taxation entertained after the deadline. Mr. Floyd was advised that he could seek alternative actions as he saw fit, but the Assessment Department and the City of Hamilton could offer no allowance under current legislation.



J. PAVELKA

CHIEF ADMINISTRATIVE OFFICER

c.c. Mr. Allan C. Ross
Treasurer

Mr. Robert Cushing
Assessment Commissioner

D
(i)

CITY OF HAMILTON
- RECOMMENDATION -

SEP 3 1992

DATE: 1992 September 3

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: John Thompson
Acting City Clerk

SUBJECT: Executive Council of Hamilton Neighbourhoods -
Use of City Facilities

RECOMMENDATION:

That approval be given to the action taken by the Acting City Clerk in authorizing the Executive Council of Hamilton Neighbourhoods to use Council Chambers on Thursday, 1992 September 10 from 7:00 - 9:00 p.m. for their September meeting.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

A request was received from the Citizens for Citizens Committee for use of Council Chambers in order that they might chair the September meeting of the Executive Council of the Hamilton Neighbourhoods. The meeting was an information forum on the Provincial Consultation Paper "Apartments in Houses".

CITY OF HAMILTON
- RECOMMENDATION -

SEP 3 1992

D
(ii)

DATE: 1992 September 3

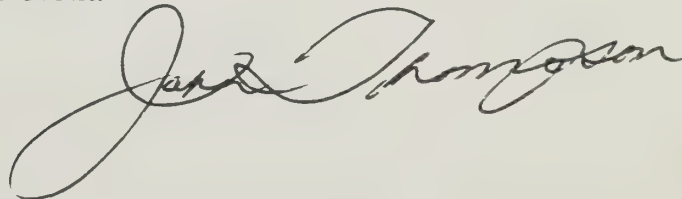
REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: John Thompson
Acting City Clerk

SUBJECT: The Arthritis Society -
Use of City Facilities

RECOMMENDATION:

1. That approval be given to the action taken by the Acting City Clerk in authorizing the following:
 - (a) The use of the City Hall forecourt (or Council Chambers in the event of inclement weather) and related equipment by the Hamilton Branch of The Arthritis Society for the purpose of holding a ceremony proclaiming September "Arthritis Month.
 - (b) Flying of The Arthritis Society flag at City Hall from Tuesday, 1992 September 08 to Wednesday, 1992 September 30.
2. That the City Clerk be authorized to approve of a similar use in future years, provided it does not interfere with any other event.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

CITY OF HAMILTON
- RECOMMENDATION -

E.

DATE: 1992 September 15

SEP 17 1992

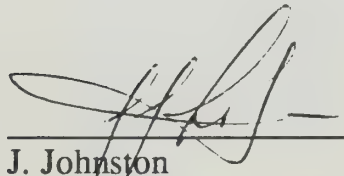
REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Mr. John Johnston
Commissioner of Human Resources

SUBJECT: Appointments To and Terminations From Permanent
Positions with the Corporation of the City of Hamilton
(C-046-092)

RECOMMENDATION:

That the attached listing of Appointments To and Terminations From Permanent positions with the Corporation to September 15, 1992 be approved.



J. Johnston

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

n/a

BACKGROUND:

Attached

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. Raymond Baglole	Traffic Serviceman/ Woman I (11-E)	Traffic	Replacing Mr. G. Bartolotta - promoted	\$28,850.64 to \$31,800.60	08/31/92
Mr. Ronald Buttrum	Forester I (D-20B)	Public Works	Replacing Mr. S. Plante - promoted	\$34,956.48 to \$27,725.88	08/03/92
Mr. Alexander Chowchun	Forester I (D-20B)	Public Works	Replacing Mr. B. Fleming - promoted	\$35,372.48	08/03/92
Mr. Mike DiSanza	Parking Control Officer (13-I)	Traffic	Additional Staff Council Approved - April 14, 1992	\$31,612.88 to \$36,305.88	08/31/92
Mr. Doug Eldridge	Parking Control Officer (13-I)	Traffic	Replacing Mr. J. Rose - promoted	\$31,612.88 to \$36,305.88	08/31/92
Mr. Dennis Farkas	Breathing Apparatus Technician Firefighter (6-CA)	Fire	Replacing Mr. C.W. Lofthouse - retired	\$50,667.57	09/06/92
Mr. Alvin Hamen	Greenskeeper II (D-13B)	Public Works	Replacing Mr. P. Lecompte - promoted	\$33,280.00	07/13/92
Mr. Dean Jamieson	Street Sweeper/Flusher (D-14D)	Public Works	Replacing Mr. K. Ridgewell - transferred	\$33,789.60	08/17/92

Prepared 15/09/92

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. William Longley	Forester I (D-10B)	Public Works	Replacing Mr. D. Couch - promoted	\$35,372.48	08/03/92
Mr. Joel Luke	(Sports Groundskeeper II) Labourer (D-10A)	Public Works	Replacing Mr. J. Tosic - resigned	\$32,583.20	08/03/92
Mr. Douglas Pickard	Customer Service Rep. Plan Examiner (19-A)	Building	New Position Council Approved - March 21, 1991	\$34,842.08 to \$40,598.48	08/17/92
Mr. Horst Weber	Sports Groundskeeper II (D-10A)	Public Works	Replacing Mr. M. Orr - promoted	\$32,583.20	08/24/92

F. (i)

CITY OF HAMILTON
- RECOMMENDATION -

SEP 11 1992

DATE: 1992 September 10

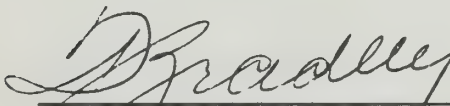
REPORT TO: Ms. Susan Reeder, Secretary
Finance and Administration Committee

FROM: Mr. T. Bradley
Manager of Purchasing

SUBJECT: REPLACEMENT OF FOUR (4) MID-SIZE
PASSENGER VEHICLES, BY-LAW
ENFORCEMENT, UNIT NOS. 1305, 1306, 1347, 1367

RECOMMENDATION:

That a purchase order be issued to Queenston Chev-Olds, Hamilton, in the amount of \$63,739.20 including all taxes, for the replacement of four (4) mid-size passenger vehicles Nos. 1305, 1306, 1347 and 1367 for for By-Law Enforcement, being the lowest acceptable of seven tenders received in accordance with specifications issued by the Manager of Purchasing and Vendor's tender and that this expenditure be finance through Replacement of Motorized Equipment Account No. CH5X503 00101.



T. Bradley, Manager of Purchasing

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
N/A

BACKGROUND: Tender Analysis

Hamilton Motor Products, Hamilton	\$60,523.80 *
Eastgate Ford, Hamilton	61,282.80 **
Carter G.M., Hamilton	63,150.40 *
Queenston Chev-Olds, Hamilton	63,739.20
Bay King Motors, Hamilton	63,776.00
Johnston Motors, Hamilton	64,470.60
Taylor Chrysler Dodge, Hamilton	64,470.60
Slessor Motors, Grimsby	71,090.00

* Units bid are not 6 cylinder and therefore do not meet specifications

** Bid 1992 model

BACKGROUND:

Outright purchase of vehicles is recommended in this case as it is cheaper than leasing quotations received. Numerous bids were received for 36 and 48 month lease periods with an optional lump sum payment to obtain title. Detailed analyses were performed applying a present value discount factor to compare leasing to purchasing with the result that the outright purchase alternative is the lowest cost option.

Our current investment rate is 5% and we recently issued debentures at 8.25%. The lease payments cost greater than 9% dependent upon the lease term, that is, the longer lease periods reflected even higher rates. In order to minimize cash outflows, outright purchase is the preferred alternative.

This equipment is used for winter snow removal operations and is being purchased without trade-in which will be disposed of at a future auction.

CITY OF HAMILTON
- RECOMMENDATION -

F.
(ii)

SEP 9 1992

DATE: 1992 September 8

REPORT TO: Ms. Susan Reeder, Secretary
Finance and Administration Committee

FROM: Mr. T. Bradley
Manager of Purchasing

SUBJECT: REPLACEMENT OF FOUR (4) MID-SIZE
PASSENGER VEHICLES, CITY GARAGE, UNIT
NOS. 1388, 1308, 1342, 1344

RECOMMENDATION:

That a purchase order be issued to Queenston Chev-Olds, Hamilton, in the amount of \$69,713.80 including all taxes, for the replacement of four (4) mid-size passenger vehicles Nos. 1388, 1308, 1342 and 1344 for the City Garage, being the lowest of seven tenders received in accordance with specifications issued by the Manager of Purchasing and Vendor's tender and that this expenditure be finance through Replacement of Motorized Equipment Account No. CH5X503 00101.



T. Bradley, Manager of Purchasing

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND: Tender Analysis

Queenston Chev-Olds, Hamilton	\$69,713.80
Bay King Motors, Hamilton	70,101.00
Hamilton Motor Products, Hamilton	70,401.20
Taylor Chrysler Dodge, Hamilton	71,195.80
Johnston Motors, Hamilton	71,255.60
Carter G.M., Hamilton	72,980.60
Slessor Motors, Grimsby	75,230.00

BACKGROUND:

Outright purchase of vehicles is recommended in this case as it is cheaper than leasing quotations received. Numerous bids were received for 36 and 48 month lease periods with an optional lump sum payment to obtain title. Detailed analyses were performed applying a present value discount factor to compare leasing to purchasing with the result that the outright purchase alternative is the lowest cost option.

Our current investment rate is 5% and we recently issued debentures at 8.25%. The lease payments cost greater than 9% dependent upon the lease term, that is, the longer lease periods reflected even higher rates. In order to minimize cash outflows, outright purchase is the preferred alternative.

Units are being purchased without trade-ins which will be disposed of at a future auction.

CITY OF HAMILTON
- RECOMMENDATION -

SEP 9 1992

F.
(111)

DATE: 1992 September 8

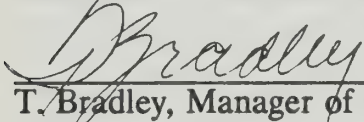
REPORT TO: Ms. Susan Reeder, Secretary
Finance and Administration Committee

FROM: Mr. T. Bradley
Manager of Purchasing

SUBJECT: REPLACEMENT OF ONE (1) ARTICULATING
WHEEL LOADER, UNIT NO. 9509, FLEET
SERVICES

RECOMMENDATION:

That a purchase order be issued to Case Power & Equipment, Grimsby, in the amount of \$88,838.65 including all taxes for the replacement of One (1) Articulating Wheel Loader Unit No. 9509 for Fleet Services, being the lowest acceptable of four tenders received in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be finance through Reserve for Replacement of Mobile equipment Account No. CH5X503 00101.



T. Bradley, Manager of Purchasing

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND: Tender Analysis

Blackwood Hodge Equipment Ltd., Weston	\$ 85,698.00 *
Case Power & Equipment, Grimsby	88,838.65
A. H. VanCamp Equipment, Stoney Creek	98,960.95
Sheridan Equipment, Mississauga	102,752.50

* The unit bid does not come equipped with the following equipment as specified:

Pressurized cab	Tachometer
High-output heater	Tilt Steering Wheel
Air over hydraulic brakes	4 Speed Transmission

BACKGROUND:

Outright purchase of vehicles is recommended in this case as it is cheaper than leasing quotations received. Heavy equipment bids involved 60, 72 and 84 month lease open end and closed end options. Detailed analyses were performed applying a present value discount factor to compare leasing to purchasing with the result that the outright purchase alternative is the lowest cost option.

Our current investment rate is 5% and we recently issued debentures at 8.25%. The lease payments cost greater than 9% dependent upon the lease term, that is, the longer lease periods reflected even higher rates. In order to minimize cash outflows, outright purchase is the preferred alternative.

This equipment is used for winter snow removal operations and is being purchased without trade-in which will be disposed of at a future auction.

F. (iv)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 September 9

SEP 11 1992

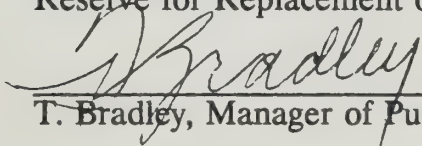
REPORT TO: Ms. Susan Reeder, Secretary
Finance and Administration Committee

FROM: Mr. T. Bradley
Manager of Purchasing

SUBJECT: REPLACEMENT OF THREE (3) 1/2 TON PICKUP
TRUCKS, UNIT NOS. 9300, 9332, 9349 AND
PURCHASE OF TWO (2) 1/2 TON PICKUP
TRUCKS, FLEET SERVICES

RECOMMENDATION:

That a purchase order be issued to Taylor Chrysler Dodge, Hamilton, in the amount of \$80,845 including all taxes for the replacement of Three (3) 1/2 ton Pickup Trucks Unit Nos. 9300, 9332, 9349 and the purchase of Two (2) 1/2 ton Pickup Trucks for Fleet Services, being the lowest of seven tenders received in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be finance through Reserve for Replacement of Mobile equipment Account No. CH5X503 00101.



T. Bradley, Manager of Purchasing

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND: Tender Analysis

Taylor Chrysler Dodge, Hamilton	\$80,845.00
Johnston Motor Sales, Hamilton	81,299.25
Robert Slessor Motors, Grimsby	90,332.50
Hamilton Motor Products, Hamilton	90,947.75
Carter G.M., Hamilton	91,407.75
Nethercott Chev Olds, Hamilton	91,724.00
Queenston Chev Olds, Hamilton	91,885.00

BACKGROUND:

Outright purchase of vehicles is recommended in this case as it is cheaper than leasing quotations received. Numerous bids were received for 36 and 48 month lease periods with an optional lump sum payment to obtain title. Detailed analyses were performed applying a present value discount factor to compare leasing to purchasing with the result that the outright purchase alternative is the lowest cost option.

Our current investment rate is 5% and we recently issued debentures at 8.25%. The lease payments cost greater than 9% dependent upon the lease term, that is, the longer lease periods reflected even higher rates. In order to minimize cash outflows, outright purchase is the preferred alternative.

Units are being purchased without trade-ins which will be disposed of at a future auction.



2a.

September 14, 1992

MEMO TO: ✓ Ms. Susan Reeder, Secretary
Finance & Administration Committee

FROM: Mayor Robert Morrow

SUBJECT: 1992 South Central Ontario Municipal Conference "Learning Together"

The Ontario Ministry of Municipal Affairs, Community Development Branch, is holding their first conference here in Hamilton on October 28 & 29, 1992, entitled "Learning Together, a Training and Developmental Opportunity".

As an expression of appreciation for this first-time conference in Hamilton and the fact that they are touring various redevelopment areas of the city, and that the Honourable David Cooke, Minister of Municipal Affairs, will be in attendance, I would recommend that the city host a reception for the 325 delegates at the Royal Connaught Hotel for a cost not to exceed \$3,900. This event to be charged to Special Receptions & Dignitaries Hosting account CH55314 84010.

Attach. 1992 South Central Ontario Municipal Conference Agenda

copy Ald. Don Ross, Chairman
Finance & Administration Committee

Mr. Joe Pavelka
Chief Administrative Officer

Mr. Allan Ross
City Treasurer

Ms. Jackie McNeilly
Coordinator of Community Renewal
Public Works

Mr. Dennis Carson
Executive Assistant to the Mayor



1992 SOUTH-CENTRAL ONTARIO MUNICIPAL CONFERENCE:
A TRAINING AND DEVELOPMENTAL OPPORTUNITY
 Royal Connaught Hotel - Hamilton, Ontario
 October 28th and 29th, 1992

ATTENDEE NAME: _____
 MUNICIPALITY/AGENCY: _____

GROUP A: Concurrent Mobile Workshops
Wednesday, October 28th: 1:30 - 5:00 p.m.

- _____ 1) City of Hamilton -
Community Development / City-Wide
Revitalization Projects
- _____ 2) Region of Niagara - Urban / Rural
Agricultural Interface
- _____ 3) Mount Hope Airport
- _____ 4) Ministry of Agriculture and Food
Vineland Winery Tour

GROUP B: Concurrent Sessions #1
Thursday, October 29th: 9:00 - 10:00 a.m.

- _____ 1) Conflict of Interest
- _____ 2) Fair Tax Commission
- _____ 3) Disentanglement

GROUP C: Concurrent Sessions #2
Thursday, October 29th: 10:30 - 11:30 a.m.

- _____ 1) Conflict of Interest
- _____ 2) Fair Tax Commission
- _____ 3) Disentanglement

GROUP D: Concurrent Sessions #3
Thursday, October 29th: 2:00 - 3:00 p.m.

- _____ 1) Provincial Policy Planning
- _____ 2) Community Economic Development
- _____ 3) Innovative Financing

GROUP E: Concurrent Sessions #4
Thursday, October 29th: 3:30 - 4:30 p.m.

- _____ 1) Urban Economic Recovery
- _____ 2) Accessory Apartments / RBL's
- _____ 3) Growth Management
Policy Statement

WHAT IS THE CONFERENCE ABOUT?

- Examining various initiatives which municipalities have undertaken to deal with the many challenges they face.
- Meeting People from a variety of backgrounds who share your interest in municipal issues.
- Sharing with others the projects and ideas which have helped your municipality
- Discussing relevant issues in a timely and open forum.
- Increasing Your Understanding of municipal and provincial initiatives by partaking in relevant up-to-date seminars.
- Developing New Ideas to assist your municipality in meeting the various needs of people in your community.

... LEARNING TOGETHER!

Hotel Accommodation:

Please make accommodation requests directly to the Royal Connaught Hotel at 1-800-263-8558 or (416) 546-8131 using the enclosed reservation card.

Please Note: Rooms at the Royal Connaught Hotel must be reserved by September 25th, 1992.

Further Inquiries:

Robert Maddocks: 1-800-265-3574 / (519) 622-1500
 FAX #: (519) 740-5960

112 KING ST. EAST, HAMILTON, ONTARIO



TO GET TO THE HAMILTON ROYAL CONNAUGHT HOTEL:
 From Hwy's #8, 5, and 53,
 take #403 Hamilton to Mount St. East
 From Hwy's #20 and Q.E.W.,

**1992 SOUTH - CENTRAL ONTARIO
 MUNICIPAL CONFERENCE:**
LEARNING TOGETHER
**A TRAINING AND DEVELOPMENTAL
 OPPORTUNITY**



presented by
 Cambridge Regional Office
 Ministry of Municipal Affairs

Royal Connaught Hotel - Hamilton, Ontario
 October 28th and 29th, 1992

AGENDA
SOUTH-CENTRAL ONTARIO MUNICIPAL CONFERENCE:
A TRAINING AND DEVELOPMENT OPPORTUNITY
 October 28th and 29th, 1992

WEDNESDAY, OCTOBER 28TH, 1992

12:00 to 1:00 pm
 Registration

1:00 to 1:30 pm
 Opening Remarks:

Winston A. Easton, Manager
 Field Management Branch
 Ministry of Municipal Affairs

Mr. David Hobbs
 Deputy Minister
 Ministry of Municipal Affairs

1:30 to 5:00 pm
CONCURRENT MOBILE WORKSHOPS:

1) **City of Hamilton - Community Development / City-Wide Revitalization Projects**
 Take part in a detailed tour of Hamilton's extensive Urban Revitalization projects including a myriad of municipal, provincial and federal initiatives.

2) **Region of Niagara - Urban / Rural Agricultural Interface**
 See first-hand the impact and challenges which urbanization brings to a vital agricultural resource base.

3) **Mount Hope Airport**
 Tour the Mount Hope Airport and learn about the Airport's extensive public services and community role.

4) **Ministry of Agriculture and Food - Vineland Winery Tour**
 See and taste the sweet success of the Ontario Wine Industry, and learn of what they have done to overcome the challenges of Free Trade.

5:00 to 7:00 pm
 Reception: Meet the Ministry of Municipal Affairs

THURSDAY, OCTOBER 29TH, 1992

8:30 to 9:00 am
 Registration (continues)

9:00 to 10:00 am
CONCURRENT SESSIONS #1:

1) **Conflict of Interest**
 This timely update on the current status of proposed Conflict of Interest legislation provides useful insight on what can be expected in the future.

2) **Fair Tax Commission**
 The Commission's progress in the redistribution of responsibilities and funding in both municipal and provincial governments is discussed in detail.

3) **Disentanglement**
 Learn about the Province's and municipalities' latest efforts in strengthening their partnership for the provision of better public services.

THURSDAY, OCTOBER 29TH, 1992 (continued)

10:00 to 10:30 am
 Coffee Break

10:30 to 11:30 am
CONCURRENT SESSIONS #2:

1) **Conflict of Interest**
 This timely update on the current status of proposed Conflict of Interest legislation provides useful insight on what can be expected in the future.

2) **Fair Tax Commission**
 The Commission's progress in the redistribution of responsibilities and funding in both municipal and provincial governments is discussed in detail.

3) **Disentanglement**
 Learn about the Province's and municipalities' latest efforts to strengthen their partnership for the provision of better public services.

11:30 - 12:00 noon
 Cash Bar

12:00 noon - 1:00 pm
 Lunch

1:00 - 2:00 pm
 Plenary Session:
 John Sewell, Chairman
 Commission on Planning and Development
 Reform in Ontario

2:00 - 3:00 pm
CONCURRENT SESSIONS #3:

1) **Provincial Policy Planning**
 This seminar presents a case study examining planning issues on a cross-regional basis from a Provincial perspective.

2) **Community Economic Development**
 Learn about innovative initiatives and projects which can help municipalities enrich their local economies.

3) **Innovative Financing**
 Examine success stories and future initiatives in innovative financing at the municipal level.

3:00 - 3:30 pm
 Coffee Break

3:30 - 4:30 pm
CONCURRENT SESSIONS #4:

1) **Urban Economic Recovery**
 A Provincial facilitator assisting urban areas in jump starting their economies will explain how municipalities can help themselves to recover from the recession.

2) **Accessory Apartments / RBL's**
 An explanation of pending legislation for apartments in houses, sharing households and installing garden suites.

3) **Draft Growth Management Policy Statement**
 A discussion of urban and rural prospects to confront growth and development pressures facing municipalities.

4:30 pm

1992 SOUTH-CENTRAL ONTARIO MUNICIPAL CONFERENCE:
A TRAINING AND DEVELOPMENT OPPORTUNITY
 Royal Connaught Hotel - Hamilton, Ontario
 October 28th and 29th, 1992

To register for the conference, please:

- 1) Detach form along dotted line from Conference brochure.
- 2) Select ONE Workshop / Seminar Topic in EACH of the groups listed on back. Do not choose a topic twice.
- 3) Make cheques payable to:
THE TREASURER OF ONTARIO

Registration Fees:

BEFORE September 28, 1992: \$99.99
AFTER September 28, 1992: \$115.00

- Registration fee includes all applicable taxes.
 - Receipts will be made available at the conference.
- 4) Return completed questionnaire and cheque before **OCTOBER 15, 1992 to:**

Robert Maddocks
 Ministry of Municipal Affairs
 Cambridge Regional Office
 150 Main Street, 3rd Floor
 Cambridge, Ontario
 N1R 6P9

- 5) You are welcome to photocopy this form if needed, and return one form for each registrant as well as a cheque for the total amount payable.





2b.

September 14, 1992

MEMO TO: ✓Ms. Susan Reeder, Secretary
Finance and Administration Committee

FROM: Mayor Robert Morrow

SUBJECT: RECEPTION FOR FAMOUS PEOPLE PLAYERS

Recommendation

That the City of Hamilton host a reception for the Famous People Players at Hamilton Place following their performance on Tuesday, September 29, 1992. The cost for this reception not to exceed \$750 and to be charged to Special Receptions & Dignitaries Hosting account CH55314 84010.

Background Information

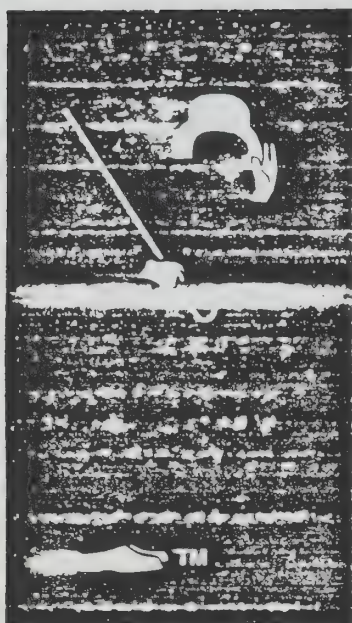
Attached is the request of Diane Lynn Depuy, founder and president of Famous People Players which was launched in Hamilton a few years ago. Last year we provided a reception in the amount of \$1500.

These young people are developmentally challenged and are to be congratulated on the excellence of their performance and contribution to the culture and arts of Canada, especially on the occasion of Canada's 125th birthday.

✓
RMM/DC/sp

Attach.





FAMOUS PEOPLE PLAYERS

AUG 27 1992 45 Lisgar Street
Toronto, Ontario M6J 3T3

(416) 532-0745
Fax: (416) 532-0745

August 24, 1992

Mayor R.M. Morrow
City Hall
Hamilton, ON
L8N 3T4

HONOURARY PATRONS

HIS EXCELLENCY
THE RIGHT HONOURABLE
RAMON JOHN HNATYSHYN,
P.C., C.C., C.M.M., C.D., Q.C.
GOVERNOR GENERAL OF CANADA

THE RIGHT HONOURABLE
MARTIN BRIAN MULRONEY,
P.C., PRIME MINISTER OF CANADA

THE HONOURABLE
HENRY N. R. JACKMAN,
C.M., O.S.I.B.A., U.L.B., LL.D.,
LIEUTENANT-GOVERNOR OF ONTARIO

HIS EMINENCE
G. EMMETT CARDINAL CARTER
BISHOP EMERITUS

THE HONOURABLE
BOB RAE
PREMIER OF ONTARIO

THE HONOURABLE
HELEN HUNLEY

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THE HONOURABLE
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HONORARY CHAIRMAN

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DIANE LYNN DUPUY, C.M., PRESIDENT
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IAN TAYLOR

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DAVID FOSTER

HENRY WINKLER

Dear Mayor Morrow:

Famous PEOPLE Players will be giving a special performance in honour of Canada's 125th Birthday at Hamilton Place on September 29, 1992.

We hope the City of Hamilton will be part of this Celebration Performance in the same special way you were last year -- by hosting a reception for Famous PEOPLE Players!

It is always such a pleasure to share our inspirational show with our friends and family in Hamilton.

And Hamilton is supporting the goals of this company more than ever. We hope we can ask you, Mayor Morrow, to help us say thank you by presenting awards on stage following the performance to CHML and the Hamilton Spectator -- our sponsors for the show.

It means so much to us to return to our home in Hamilton. And we hope we can work together to make September 29 an evening that Hamiltonians won't forget.

Your support is always greatly appreciated!

Sincerely,

Diane Lynn Dupuy, CM, LLT
Founder and President

DD/cm



Dominic Agostino

Alderman — Ward 5
Regional Councillor

City Hall, 71 Main Street West
Hamilton, Ontario L8N 3T4
Tel. 546-2730 • Res. 574-0179
Fax 546-2095



3.

1992 September 3

Don Ross, Alderman,
Ward 8

Dear Don:

In response to your memo regarding Plumblin Sales Ltd., please place on the next agenda of the Finance and Administration Committee in order to give the gentleman the opportunity to discuss his case with the Committee.

Thank you for your attention to this matter.

Yours sincerely,


DOMINIC AGOSTINO, ALDERMAN,
WARD 5

DA:tb

PLUMBLINE.

Sales Ltd.

P.O. Box 4460, Station "D"
Hamilton, Ontario, Canada
L8V 4S7

July 28, 1992

Mr. Dominio Agostino
Alderman - Ward 5
City Hall
71 Main Street, West
Hamilton, Ontario

Dear Mr. Agostino:

As you suggested at our meeting on ^{Tues} Aug. 22/92, I am requesting to appear before the Finance and Administration Committee regarding the assessment of Plumblne Sales business tax.

I look forward to a reply from you at your earliest convenience.

Regards,



Brian Edwards

CITY OF HAMILTON
- INFORMATION -

3a.

DATE: 1992 August 13

AUG 13 1992

REPORT TO: Mrs. S. Reeder, Secretary
Finance and Administration Committee

FROM: Mr. A. Ross
Treasurer

SUBJECT: PLUMBLINE SALES LTD.

BACKGROUND:

As a result of a recent meeting attended by Mr. Edwards of Plumblime Sales Ltd., Alderman Agostino and Mr. Tom Bradbury of the Treasury Department, Mr. Edwards has asked that he may speak to the Finance and Administration Committee at some future meeting.

During the past meeting it was ascertained that Mr. Edwards was concerned with the manner in which Business Assessments are calculated. In accordance with the Assessment Act (see relevant excerpt attached), as a wholesaler, the business assessment for Plumblime Sales Ltd. is based on 75% of the assessed value of the land occupied by the business. Conversely a retailer, with 5 or less outlets, occupying a similar premises would be assessed for 30% of the assessed value of the land.

I understand from the Assessment Department that the distinction in rates between the wholesaler and retailer is based on the premise that the costs involved in similar levels of sales is greater for the retailer than it is for the wholesaler. Consequently, the wholesaler is assessed at a higher percentage of his/her realty assessment. This Company has the option of appealing its assessment classification for the 1993 taxation year if it is their contention that this operation does not strictly fall within the definition of the business of a "wholesale merchant".

Otherwise, since each municipality in the Province of Ontario has a legal obligation to levy taxes in accordance with the most recent return of the Assessment Roll, the resolve of this situation would involve an amendment to Provincial Legislation, namely The Assessment Act.

TAB/ce
Att'd



- (b) such portion of such rates or taxes as the by-law may provide or the council may by resolution deem proper,

and such rates or taxes or portion thereof are collectable in accordance with such amended roll. R.S.O. 1980, c. 31, s. 5.

Exemption of
Navy League

6. The council of any local municipality may pass by-laws exempting from taxes, other than school taxes and local improvement rates, the land belonging to and vested in the Navy League of Canada under such conditions as may be set out in the by-law, so long as the land is occupied and used solely for the purposes of carrying out the activities of the Ontario division of the Navy League. R.S.O. 1980, c. 31, s. 6.

Business
assessment

7.—(1) Irrespective of any assessment of land under this Act, every person occupying or using land for the purpose of, or in connection with, any business mentioned or described in this section, shall be assessed for a sum to be called "business assessment" to be computed by reference to the assessed value of the land so occupied or used by that person as follows:

- (a) The business of a distiller for a sum equal to,
 - (i) for the 1989 taxation year, 100 per cent of the assessed value of the land so occupied or used, exclusive of the portion of the land occupied or used for the distilling of alcohol solely for industrial purposes, and for a sum equal to 75 per cent of the assessed value as to such last-mentioned portion, and
 - (ii) for the 1990 and subsequent taxation years, 75 per cent of the assessed value of the land so occupied or used.
- (b) The business of a wholesale merchant, brewer, insurance company, loan company, trust company, express company carrying on business on or in connection with a railway or steamboats or other vessels, land company, loaning land corporation, bank, banker, credit union, caisse populaire or any other financial business, for a sum equal to 75 per cent of the assessed value of the land so occupied or used.

- (c) The business of selling or distributing goods, wares and merchandise through a chain of more than five retail stores or shops in Ontario, directly or indirectly owned, controlled or operated by the seller or distributor, for a sum equal to 75 per cent of the assessed value of the land occupied or used in such business for a distribution premises, storage or warehouse for such goods, wares and merchandise, or for an office used in connection with such business.
- (d) The business of a manufacturer, including the business of a flour miller, maltster, a concentrator or smelter of ore or metals, and the business of obtaining minerals from the ground, for a sum equal to 60 per cent of the assessed value of the land so occupied or used, provided that a manufacturer is not liable to business assessment as a wholesale merchant by reason of selling by wholesale the goods that manufacturer manufactures on such land.
- (e) The business of a department store or the business of selling goods or services through a chain of more than five stores, shops or outlets in Ontario, except a hotel or motel, for a sum equal to 50 per cent of the assessed value of the land so occupied or used.
- (f) The business of,
 - (i) a barrister, solicitor, notary public, conveyancer, physician, surgeon, oculist, optometrist, ophthalmic dispenser, physiotherapist, podiatrist, aurist, dentist or veterinarian, or a civil, mining, consulting, mechanical or electrical engineer, surveyor, contractor, builder, advertising agent, private investigator, employment agent, accountant, assignee, auditor, osteopath, chiropractor, massagist, architect or any person carrying on business as an agent, or

- (ii) operating a radio or television broadcasting station, or
- (iii) publishing a newspaper, or a photographer, lithographer, printer or publisher, or
- (iv) operating a stock exchange or commodity exchange,

for a sum equal to 50 per cent of the assessed value of the land so occupied or used.

(g) The business of,

- (i) a telegraph or telephone company, or
- (ii) a transportation system, other than one for the transportation or transmission or distribution by pipe line of crude oil or liquid or gaseous hydrocarbons or any product or by-product thereof or natural or manufactured gas or liquefied petroleum gas or any mixture or combination of the foregoing, or
- (iii) the transmission of water or of steam, heat or electricity for the purposes of light, heat or power,

for a sum equal to 30 per cent of the assessed value of the land so occupied or used, except a highway, lane or other public communication or public place or water or private right of way, occupied or used by such person, exclusive of the value of any machinery, plant or appliances erected or placed upon, in, over, under or affixed to such land.

- (h) The business of transportation, transmitting or distributing by pipe line crude oil or liquid or gaseous hydrocarbons or any product or by-product thereof or natural or manufactured gas or liquefied petroleum gas or any mixture or combination of the foregoing, for a sum equal to 30 per cent of the assessed value of the land so occupied or used excluding any pipe line liable to assessment under section 23 or 24.
- (i) The business of a race track, for a sum equal to 30 per cent of the assessed value of the land so occupied or used.
- (j) The business of a car park, for a sum equal to 25 per cent of the assessed value of the land so occupied or used.
- (k) Any business not specially mentioned before in this section, for a sum equal to 30 per cent of the assessed value of the land so occupied or used.

CITY OF HAMILTON

- RECOMMENDATION -

6.
SEP 16 1992

DATE: September 14, 1992

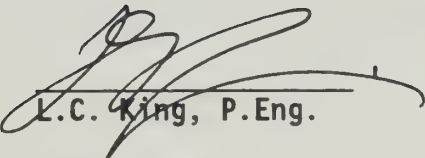
REPORT TO: Susan Reeder, Secretary
Finance and Administration Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: DEVELOPMENT CHARGES BY-LAW #90-74
Novel Environmental Advanced Technology (N.E.A.T.) Home
2 Westlawn Drive (92.2.4.2.1.A, 92.4.12)

RECOMMENDATION:

- a) After hearing the evidence and submission of the complainant, Hamilton-Halton Home Builders' Association, the Council of the Corporation of the City of Hamilton hereby confirms the development charges imposed on the property located at 2 Westlawn Drive have been properly imposed pursuant to the City Development Charges By-law 90-74.
- b) That the Council of the City of Hamilton approve a modified deferred payment agreement as follows:
 - i) That the owner enter into a deferred payment agreement respecting the development charges of \$1,723.20, and that the agreement be registered on title of the property.
 - ii) That an interest rate of zero per cent (0%) be charged on the deferred development charges.
 - iii) That the development charge of \$1,723 become payable upon occupancy of the building.


L.C. King, P.Eng.

LCK/PCL/dm
Encl.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Full payment of development charges will be made, however, the City will not benefit from approximately two years of interest.

BACKGROUND:

On July 27, 1992 a letter was submitted to Alderman F. D'Amico from the Hamilton-Halton Home Builders' Association (H.H.H.B.A.) (see attachment) requesting an exemption from fees prescribed under the Development Charges By-law. The Association has requested this due to the unique nature of the project proposed at 2 Westlawn Drive. Background from the H.H.H.B.A. explains the proposal:

1. The Challenge

In 1991, Energy, Mines and Resources Canada launched a national challenge aimed at substantially improving the capabilities of the housing industry to address the emerging environmental issues in the years ahead. Dozens of teams from across Canada entered the national competition to develop proposals for innovative, more "environmentally friendly" demonstration homes for the Advanced Houses Program.

The Advanced House Technical Requirements addressed a wide array of environmental issues including minimizing water and energy use, incorporating a high percentage of recycled materials in the building components and eliminating the use of ozone depleting CFCs for cooling while, at the same time, maintaining or improving the indoor air quality in the living space. The performance targets for these houses are very aggressive, the energy consumption in an advanced house must not exceed 50 per cent of a similarly sized R-2000 house. A national panel reviewed the proposals and eleven houses were selected as winners of the competition.

2. The Opportunity

With great pride, the Hamilton-Halton Home Builders' Association announces that its Novel Environmental Advanced Technology or N.E.A.T. Home was a winning entry. The N.E.A.T. home is the only submission from the Toronto - Hamilton - St. Catharines "golden horseshoe" area to win the competition. As such, it will provide a great opportunity for innovators and leaders in the housing industry to profile and refine product and home building technologies in the largest market in the country.

3. The Concept

At the heart of the N.E.A.T. Home are dozens of "N.E.A.T. Ideas". Although some of the ideas are not new, their use is certainly Novel. From its low-tech rainwater cistern to its high-tech Consumer Electric Bus control system, the N.E.A.T. home's features focus on key environmental issues which will have a

direct impact on the future of housing. Evaporative cooling using stored rain water, in an advanced Integrated Heating, Ventilating and Air-conditioning System, will provide the year-round comfort and healthy indoor environment expected by today's demanding consumers. Recycled and more environmentally-friendly products will be used for almost every aspect of the building. The N.E.A.T. home will be a showcase of innovative and challenging N.E.A.T. ideas.

The H.H.H.B.A. has confirmed that once the N.E.A.T. home is completed, it will be used as a demonstration home for the period of two years. During this time, the home will be open to the public and will not be occupied as a residential dwelling.

Due to the unusual nature of this project, the Development Charges Staff Subcommittee met and came to the conclusion that development charges should not be applicable until such time as the dwelling is occupied as no demand will be placed on services until residential use is made of the building.

It was also staff's opinion that interest on the deferred development charges, which will be payable in approximately two years time, would not be charged to the H.H.H.B.A. as this is a non-profit venture funded by various levels of government.



HAMILTON-HALTON
HOME
BUILDERS'
ASSOCIATION

July 27, 1992

Alderman D'Amico
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

CITY OF HAMILTON	
CITY CLERK'S OFFICE	
RECEIVED	
DATE	_____
FILED	_____
RECEIVED	_____
DATE	_____
RECEIVED	_____
DATE	_____

R: #2 Westtown

Dear Alderman D'Amico:

Thank you for attending our kick-off luncheon for the Hamilton-Halton Home Builders' Association's N.E.A.T. Home.

As you are probably aware, this Novel Environmental Advanced Technology Home will attract provincial, national, indeed international attention, as our organization attempts to construct a home which will show future technologies and environmental sensitivity.

The purpose of this letter is to secure your support in our request to have the City of Hamilton waive the normal municipal charges associated with the construction of a new home, i.e. permit fees, 5% land dedication cash in lieu, and development charges.

We are hopeful that the City politicians will become a partner in this venture and such an approval from the City would certainly show your willingness and allow us the opportunity to provide the appropriate recognition for the City of Hamilton.

Realizing the HHHBA is a non-profit organization, I would like to ensure you that this home is being built in an effort to get our industry looking towards the future with a focus on the environment and energy conservation, and is not intended as a profit making venture. Should there be any excess revenue, it will be put back into direct training and education programs to help the decimated workers within our industry, locally.



1112 Rymal Rd. RR#2 Hannon, Ontario L0R 1P0
Tel.(416)575-3344, (416)634-1200 Fax (416)574-3411

Further, we are aligning ourselves with the Ronald McDonald House in an effort to raise substantial revenues for this most worthy cause through the charging of a minor entrance fee to the 100 or 150 thousand people expected to view the home over the next 2 years. I understand the most appropriate vehicle to obtain approval for this request is the City's Planning and Development Department. With that in mind, may we request you bring this forward at the next P&D meeting.

In closing, we would like to thank you in advance for any assistance you may provide.

Sincerely,

A handwritten signature in cursive script that reads "Dan F. Condon". The signature is written in dark ink and is positioned above the printed name and title.

Dan F. Condon
Executive Officer

P.S. I have requested the Building Department calculate the costs so as to ascertain the total dollar amount involved.

cc Mayor Morrow
D. Drury
D. Ross
L. King
P. Lampman



J.J. SCHATZ
CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK
71 MAIN STREET WEST
HAMILTON, ONTARIO L8N 3T4

TEL: 546-2700
FAX: 546-2095

1992 September 16th

Hamilton-Halton Home
Builders' Association
1112 Rymal Road
R.R. #2
Hannon, Ontario LOR 1P0

Attention: Dan F. Condon, Executive Officer

Dear Mr. Condon:

**Re: Development Charges Complaint -
Novel Environmental Advanced Technology (N.E.A.T.) Home
2 Westlawn Drive**

Notice is hereby given that the Finance and Administration Committee will consider your request for exemption of payment of development charges for the above property at its next meeting scheduled for Thursday, 1992 September 24th.

Would you please arrange to be in attendance at 10:00 o'clock a.m., in Room 233, City Hall at which time the Finance and Administration Committee will formally consider your complaint.

I trust these arrangements are satisfactory, however, would you please advise me if such is not the case.

Yours truly,

Susan K. Reeder, Secretary
Finance and Administration Committee
SKR/dbm

c.c.- Alderman D. Ross, Chairperson, Finance and Administration Committee

- Mayor R. Morrow
- Mr. A. Ross, Treasurer
- Mr. T. Daw, Manager of Revenues, Treasury Department
- Mr. L. King, Building Commissioner
- Ms. Dorothy Redfern, Development Co-Ordinator, Regional Finance Department

CITY OF HAMILTON
- RECOMMENDATION -

8a.

DATE: 1992 September 16

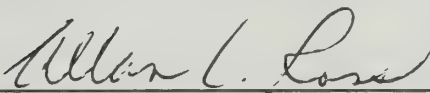
REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Allan C. Ross
Treasurer

SUBJECT: APPOINTMENT OF AN EXTERNAL AUDITOR

RECOMMENDATION:

- a) That the City Treasurer be directed to prepare a "Proposal Call for Auditors" for a five-year term starting with fiscal year 1993 for auditing services for the City of Hamilton, including its local boards, Hamilton Entertainment and Convention Facilities Inc., Hamilton Hydro Electric System and all of the Boards of Management for the Business Improvement Areas within the City of Hamilton in relation to the City's financial reports of 1993, 1994, 1995, 1996 and 1997.
- b) That the City Treasurer be authorized to advertise in The Hamilton Spectator the "Proposal Call for Auditors".



Allan C. Ross

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Audit fees for 1992 for the City of Hamilton, local boards, affiliated organizations and the Hamilton Hydro Electric System amount to approximately \$119,000.

BACKGROUND:

Item 7 of the Fourth Report of the Finance Committee, adopted by City Council January 28, 1986 approved the appointment of the external auditor as follows:

- "7. That Spicer MacGillivray be awarded the contract of the auditing service for the City of Hamilton, including its local boards, commission (Hamilton Hydro Electric System) and five other affiliated organizations, based on the proposal submitted by them, at a firm quotation for 1986 and 1987 in the total amount of \$92,400 and \$94,300 respectively, for a period of six years starting in 1986.

BACKGROUND: - Continued

Note: The selection of the contract for the audit service was made from nine submissions received on November 8, 1985. The proposed firm, Spicer MacGillivray, is the current City Auditor. Section 8 of the 16th Report of the Finance Committee, adopted by Council September 24, 1985, authorized to call for a tender of audit service every six-year period starting 1986".

In view of the retirement of the former City Treasurer at the end of 1991, and the new Treasurer being appointed in May 1992, the audit service, as provided by the present external auditor, MacGillivray Partners, Chartered Accountants, was extended for a one year term by Council on October 8, 1991. The present term of the External Auditor expires as of 1993 with the completion of the 1992 Financial Statements.

It is therefore recommended that the City Treasurer arrange to call for proposals for External Audit Services for a five-year term commencing with fiscal year 1993. A two phase selection process, the same as was utilized in 1985, is again being proposed:

- i) The first phase Audit Proposal Committee will consist of five staff members: Joe Pavelka, Chief Administrative Officer (C.A.O.); Allan Ross, Treasurer; John Leuser, Director of Finance and Administration of Hamilton Entertainment and Convention Facilities Inc.; Jim Hindson, Director of Information Systems; Len King, Building Commissioner and Nik Adhya, Manager of Budgets, as the Secretary. The Committee will elect their chairman, conduct appropriate interviews with the Accounting firms, prepare a short list and recommendation to the political members of the Audit Proposal Committee.
- ii) The final phase Audit Proposal Committee will consist of the Mayor, the Chairman and Vice-Chairman of the Finance and Administration Committee. This Committee will make the final recommendation to the Finance and Administration Committee and to Council to appoint an External Auditor as of January 1, 1993 for 5 years.

NRA:jc

- c.c. P. Noé Johnson, City Solicitor
G. Davidson, Secretary-Treasurer, Hamilton Hydro Electric System
M. Collyer, FCA, MacGillivray Partners
Joe Pavelka, P.Eng., Chief Administrative Officer
J. G. Hindson, P.Eng., Director of Information Systems
L. King, Building Commissioner
J. A. Leuser, Director of Finance & Administration, H.E.C.F.I.

CITY OF HAMILTON
- INFORMATION -

8b.

DATE: 1992 September 18

REPORT TO: Susan Reeder, Secretary
Finance and Administration Committee

FROM: Allan C. Ross
Treasurer

SUBJECT: (1) City of Hamilton - Primary and Excess Liability
Insurance Coverage;
(2) Liability Insurance Requirements for Community
User Groups

BACKGROUND:

(1) City of Hamilton - Primary and Excess Liability Insurance Coverage

At the Finance and Administration Committee meeting of August 20, 1992, the Committee requested a report on the City of Hamilton Primary and Excess Liability insurance policies and the Insurance Requirements for Community User Groups.

Current details of the Primary and Excess Liability insurance policies are as follows:

Primary - Limit of Coverage:	\$ 4,000,000
- Deductible:	3,000,000
Excess - Limit of Coverage:	10,000,000
Total - Limit of Coverage:	14,000,000
- Deductible:	3,000,000

Both the Primary and Excess Liability insurance policies will respond to an occurrence which takes place in any of our facilities as part of our normal operations and/or culture/recreation programs.

1992, September 17

Susan Reeder, Secretary
Finance and Administration Committee - continued 2

(2) Liability Insurance Requirements for Community User Groups

On May 6, 1986, City Council approved Item 1(a) of the Fourteenth Report of the Parks and Recreation Committee (copy attached) which required "approved Community Councils and Volunteer Sports Organizations who are registered with the Department of Culture and Recreation, and operate an approved program or programs as agents of the Department, be required to carry Public Liability Insurance in the amount of \$1,000,000. with the City added as a named insured."

Items 1(b) and (c) of that same Council Resolution authorized the City to assist these groups by making a grant available upon application and providing proof of insurance, for the purpose of offsetting the cost of insurance premiums for the period ending May 1, 1987 and establishing a cost-sharing plan for such premiums commencing May 1, 1987.

The reasons for this requirement were:

- (1) To insert a layer of insurance below the City's Primary Liability policy and thereby reduce the risk to the City. This layer of insurance was equal to the deductible on the City policy at that time;
- (2) The City could be liable for injuries to participants while participating in the organization's programs (Participants Liability) as well as third-party liability and property damage;
- (3) The Liability policy purchased by the organizations would provide protection for them for all of their activities regardless of the type of event/program or location (including Participant Liability). The City's insurance covers only the organizations activities while in City facilities, and then with a Participant Liability exclusion.

(3) Availability and Cost of Insurance for User Groups

In late 1987 and early 1988, it came to our attention that some user groups were experiencing difficulty in obtaining (and in some cases could not purchase) the required \$1,000,000 insurance. Also, in certain cases the coverage was available, but dependent upon the activities of the group, the cost was significant.

1992 September 17

Susan Reeder, Secretary
Finance and Administration Committee - continued 3

(3) Availability and Cost of Insurance for User Groups - continued

As a result, the City through the Insurance Advisory Committee, researched the market and arranged for a City of Hamilton, Department of Culture and Recreation "User Group" policy which could be accessed by the community organizations at a minimal and reasonable premium which was payable by the organization. The City still continued to assist the community groups through grants to offset the cost of the insurance premiums.

This policy provides Commercial General Liability, Tenants Legal Liability, Medical Expense, Products/Completed Operations Hazard, Bodily Injury/Property Damage/Legal Expense, Directors and Officers Errors/Omissions Liability and Non-owned Automobile insurance.

The Limit of Coverage available under this policy is \$2,000,000. The deductible under the City's Primary Policy is \$3,000,000 thereby leaving a uninsured area of \$1,000,000 which the City is covering through our Self-Insurance Fund. We have been advised by the both the insurer and Insurance Advisory Committee that coverage of \$3,000,000 through this policy is not available to the User Groups.

(4) Insurance Consultant

City Council has authorized the retention of an insurance consultant to examine the operations of City Departments, Local Boards, H. E. C. F. I. and City-owned Companies. One of the functions of the consultant is to recommend areas for which the City should purchase insurance on the market to include types of insurance, coverage, deductibles, etc.

The consultant's report will address any concerns in the areas of deductibles as well as insurance requirements for users of our various facilities. On the basis of that report, the Committee and Council can consider changes to the insurance requirements in this area, as well as all other areas of the City's insurance coverage.

rdu/rdu
Attach:



cc: J. G. Pavelka
C. A. O.

Robert Sugden
Director of Culture and Recreation

MEMORANDUM • CITY OF HAMILTON

FILE NO. <i>Liability</i>	
DEPT. OF CULTURE & RECREATION	
REC'D	MAY 1, 1986
D. C. R.	<i>✓</i>
D. S.	
D. H. S.	
<i>AS</i>	
M. S.	
A. M. S.	
O. M.	

TO : Miss A. Schimmel, Director of
Culture and Recreation

YOUR FILE :

FROM : Mrs. L. Dale, Secretary
Parks and Recreation Committee

OUR FILE :

SUBJECT :

DATE : 1986 May 7

Subjoined for your information and appropriate action is item 1 of the Fourteenth Report of the Parks and Recreation which was approved at a special meeting of City Council held 1986 May 6:

1. (a) That approved Community Councils and Volunteer Sports Organizations who are registered with the Department of Culture and Recreation, and operate an approved program or programs as agents of the Department, be required to carry Public Liability Insurance in the amount of \$1,000,000. with the City added as a named insured.
- (b) That, due to the present crisis relative to liability insurance, the City assist these groups by making a grant available upon application, and providing proof of insurance, for the purpose of offsetting the cost of insurance premiums for the period ending 1987 May 1.
- (c) That the Department of Culture and Recreation meet with these groups with a view to establishing:
 - (i) guidelines for programs and program registration with the City through the Department of Culture and Recreation.
 - (ii) a cost-sharing plan for such premiums commencing 1987 May 1.
- (d) That the Finance Committee be requested to recommend the method of financing.

NOTE: It is difficult at this stage to estimate the total amount of money involved. However, if all 50 groups wish to take advantage of this policy, the cost could be approximately \$20,000.

Kindly take the necessary action to carry out the Council's direction with respect to this matter.

L. Dale
LD/jf

c.c. Mr. E. A. Simpson, City Clerk
c.c. Mr. E. C. Matthews, Treasurer

8c.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 September 16

REPORT TO: Susan Reeder, Secretary
Finance and Administration Committee

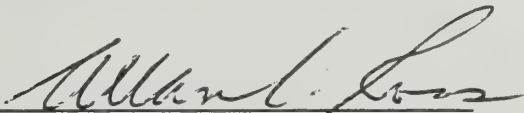
FROM: Allan C. Ross
Treasurer

SUBJECT: PENALTY AND INTEREST CHARGED ON
OUTSTANDING TAXES

CLF 1 5 1992

RECOMMENDATION:

That the Treasurer be requested, as part of the 1993 Current Budget deliberations, to review the impact of a reduction in the current penalty and interest rate of 15% per annum charged on outstanding tax arrears and report back to the Finance and Administration Committee.



Allan C. Ross

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The current penalty and interest rate of 1-1/4% per month or 15% per annum charged by the City of Hamilton on outstanding tax arrears is imposed under the provisions of Section 386(3) and Section 412(1) of the Municipal Act. While this is the maximum rate permitted by this Legislation, there is provision for Council to charge a lesser rate if it so desires.

The penalty and interest rate charged on tax arrears has remained relatively stable over the years and has been established at a level higher than available debt financing in order to encourage taxpayers to give priority to meeting their financial obligations to the City.

BACKGROUND: (Cont'd.)

For the 10 year period from January 1, 1970, to December 31, 1979, a rate of 12% per annum was charged which was the maximum allowable under the Municipal Act. This rate was increased to 15% per annum for the period January 1, 1980 to October 31, 1981 as the result of an amendment to the Municipal Act during a period of rising interest rates. In July 1981, the Province passed separate Legislation entitled the "Municipal Interest and Discounts Act," (Bill 121) which allowed Municipalities the option of charging penalty and interest at a rate based upon the economic climate at the time. Under this Legislation, penalty and interest is charged at a rate of $1\frac{1}{2}\%$ above the prime rate of the chartered bank that has the highest prime rate at the time the by-law is passed by City Council.

From November 1, 1981 to February 28, 1982 the City charged a rate of 22.5% per annum under the provisions of this Legislation and that rate was reduced to 18% per annum for the period March 1, 1982 to February 28, 1983. On March 1, 1983, the by-law was repealed and the City reverted to a rate of 15% per annum under the provisions of the Municipal Act. That rate has been in effect since that time.

The penalty and interest rate is a rate established to encourage taxpayers to meet their tax obligations on the due date while providing the City with the necessary cash flow to finance current operations. It is intended to be a penalty, and not simply an interest charge for the use of City funds. Based upon tax payment patterns and comments received from citizens it appears that a number of taxpayers find it convenient, even at current rates, to use tax arrears as a line of credit in lieu of obtaining a short term loan from a financial institution. In effect, this allows the use of these funds without payments for a three year period before the City takes action through the tax registration process. It also eliminates the need for application, interviews and credit rating checks normally associated with obtaining a loan elsewhere.

Based upon information from the City's bankers, personal and Corporate loans to the best customers of banking institutions are frequently made at the prime rate or prime plus $1\frac{1}{4}\%$ to $1\frac{1}{2}\%$. The standard rate for other Corporations is often prime plus $1\frac{1}{2}\%$ - $1\frac{1}{2}\%$ and to individuals with a higher risk prime plus 3%-4%. Based on the current prime rate of $6\frac{1}{4}\%$, the interest charged on standard corporate loans would therefore be in the range of 6.75% - 7.75% and personal loans 9.25% - 10.25%.

If the City were to consider lowering the rate to prime plus $1\frac{1}{2}\%$ under the provisions of the Municipal Interest and Discount Rates Act, the effective rate of penalty and interest on tax arrears would be adjusted to 7.75% based on current interest rates, a rate well below many personal loan rates. This would represent a reduction of 48% from the current rate of 15% per annum. Based on the anticipated penalty and interest revenues of approximately \$8M to be earned in 1992, on an entire year basis this would result in a 1993 revenue loss of approximately \$4.2M.

BACKGROUND: (Cont'd.)

The following is a summary of the impact on 1993 revenues, based on the 1992 projected penalty and interest earned, if the City chose to impose a lower rate of penalty and interest under the provisions of the Municipal Act:

<u>Current Rate</u>	<u>Alternative Rates</u>	<u>Percent Reduction</u>	<u>Estimated Revenue Loss</u>
15%	14%	6.7%	\$ 533,000
	13%	13.3%	1,066,000
	12%	20.0%	1,600,000
	11%	26.7%	2,133,000
	10%	33.3%	2,666,000
	9%	40.0%	3,200,000
	8%	46.7%	3,733,000

Any such reduction in revenues would have to be made up through increased requirements upon the mill rate.

We have surveyed other municipalities in Ontario and all surveyed are charging the rate of 15% per annum with the exception of the City of Toronto which is charging an annual rate of 13.1% per annum.

Summary

In setting an appropriate penalty and interest rate, it is necessary to consider the effect of such rates upon City tax collection efforts and penalty and interest revenues, and the effect of such rates upon taxpayers attempting to meet their property tax obligations to the City. As noted earlier in this report, present rates are set at a relatively high rate, and are consistent with the rates charged by most other municipalities surveyed. To consider lowering this rate to the prime rate plus 1½ % under the provision of the Municipal Discount and Interest Rates Act would mean that many tax payers would be able to obtain "financing" through tax arrears at a rate lower than the rate offered by financial institutions. This is not the intent of our tax arrears penalty rate, and would certainly not support efforts to collect outstanding arrears and keep property taxes current. Any lowering of penalty rates under the Municipal Act could also have a similar effect, depending on the extent of the rate reduction.

Due to the impact of any penalty and interest rate adjustments upon City revenues, it is recommended that this matter be referred for consideration in 1993 budget deliberations. At that time, Committee and Council can consider penalty and interest rate alternatives and adjust 1993 budget revenues accordingly based upon those deliberations.

CITY OF HAMILTON
- INFORMATION -

8d.

DATE: 1992 September 18

REPORT TO: Susan Reeder, Secretary
Finance and Administration Committee

FROM: Allan C. Ross
Treasurer

SUBJECT: REALTY TAX DEFERRED SCHEME

BACKGROUND:

At the Finance and Administration Committee meeting of August 20, 1992, the Treasury Department was requested to review alternatives to the present realty tax registration procedures utilized by the City of Hamilton and obtain information on a tax deferral program used by the City of Vancouver to assist taxpayers in keeping their realty taxes current.

The program used by the City of Vancouver, as indicated in the attached brochure, is a "Land Tax Deferral Program" which is operated and financed by the Provincial Government. Only the front end administration is performed by the City of Vancouver. There are approximately 100,000 residential properties in the City of which 900 properties are registered in the program.

The tax deferral plan applies to residential properties owned and occupied by senior citizens over the age of 60, widows, widowers and disabled persons who have lived in the Province for at least one year prior to application. The owner must have 25% equity in the property to qualify, and previous year's taxes, utilities, penalty and interest charges must be paid before an application will be considered. The Province provides a cheque for the amount of the annual taxes to the City and an agreement is registered on title. Interest on the deferred taxes is calculated by the Province from application date at a rate at least 2% below the bank prime rate and this rate is adjusted in April and October of each year. The realty taxes must be fully repaid:

- a) before title can be transferred to a new owner (other than the surviving spouse);
- b) upon death of the agreement holder when settlement is made through the estate; or
- c) upon loss of the minimum 25% owner equity in the home.

BACKGROUND: - Cont'd.

There is no authority in the Municipal Act for the City of Hamilton to administer and finance a tax deferral program. Such a program, even with restrictions, could have a severe impact on cash flow and place the City in the position where it may be necessary to borrow to finance the accumulated deferred taxes receivable in order to provide operating funds. It should also be noted that the City has an obligation to make levy payments to the Region and the Boards of Education as provided by Legislation despite the fact that these taxes may not be collected for several years.

As noted in prior reports, there is already a significant amount of realty tax arrears under our existing procedures. It is important to note, however, that while the realty tax arrears are extremely high compared to previous years, most of these properties are redeemed upon registration. This suggests that taxpayers are frequently able to obtain necessary financing once the City takes serious action to recover the taxes owing. In the past 5 years the City has only sold 7 properties for tax arrears (2 owner occupied) although there have been a total of 293 properties registered. At the present time there are 148 registered properties of which 31 have passed the specified period and are now eligible for sale by the municipality.

Financing similar to this tax deferral could be obtained through the use of a reverse mortgage. Reverse mortgage schemes are currently available for qualifying individuals from banks and other financial institutions and are especially designed for seniors and other persons who have sufficient equity in their property and require assistance with their cash flow.

Any realty tax deferral program which could be implemented whereby the City would receive payment of the taxes levied on a current basis would be desirable. The City itself, however, does not have the financial capability to operate and finance such a program on a widespread basis. Many years ago the Province of Ontario implemented a tax deferral program with municipalities similar to the program used by the City of Vancouver, but on a much more limited scale. This program has now been repealed. The City of Hamilton currently provides an Elderly Citizens Tax Credit in the amount of \$75.00 per year. Prior to 1992, the Province of Ontario provided a Property Tax Grant of \$450.00 (maximum) and a Sales Tax Grant of \$50.00 for eligible seniors. For the taxation year 1992, these grants will be replaced by tax credits which will be claimed by seniors on their personal income tax returns.

If Committee and Council wish to support the establishment of such a program for Ontario, the City of Hamilton should request the Province of Ontario to consider adopting a similar tax deferral scheme which could provide relief for those taxpayers experiencing financial difficulties while maintaining municipalities' necessary operating funds. Support for this proposal would also be sought from the Association of Municipalities of Ontario. It must be noted, however, that the B.C. scheme would only provide assistance to taxpayers in specific circumstances (e.g. senior citizens, disabled persons), and would not be available to all taxpayers experiencing financial difficulties.

Susan Reeder, Secretary
Finance and Administration Committee
1992 September 18 - Page 3

BACKGROUND: - Cont'd.

To date staff have not been able to identify a viable alternative to present realty tax collection methods. Until such alternatives can be established, or other direction is received from Committee and Council, present realty tax collection practises, including tax registration procedures, will continue.

Allan C. Ross

Attachment
TWD:jc

What about interest charges?

The interest on your deferment account is:

- simple interest on deferred taxes only (interest is not charged on interest);
- set each six months by the Minister of Finance and Corporate Relations; and
- a rate which is at least two per cent below the prime rate at which the government borrows money.

How do I apply for tax deferment?

You can apply for tax deferment when you receive your property tax notice.

- Pick up an Application for Deferment of Property Taxes, available from your municipal or government agent office.
- Fill out and sign your Home Owner Grant application and tax deferment application.

- Return the completed applications to your municipal or government agent office for processing **before the property tax due date**. These will be forwarded to the tax deferment office in Victoria. Receipt of your application for land tax deferment will be acknowledged by the tax deferment office.

If your application is approved, you will receive an Agreement for Deferment of Property Taxes.

- Complete, sign and return the agreement to the tax deferment office in Victoria. All registered owners of your home must sign the agreement.

When your agreement is approved in final, the tax deferment office will pay your current property taxes on your behalf to the municipal or government agent office.

You must apply for the Land Tax Deferment Program before December 31 of the year in which the taxes to be deferred are first billed.

Agreement renewals are not automatic. A renewal application will be sent to you in April of each new tax year along with your Annual Statement of Account.

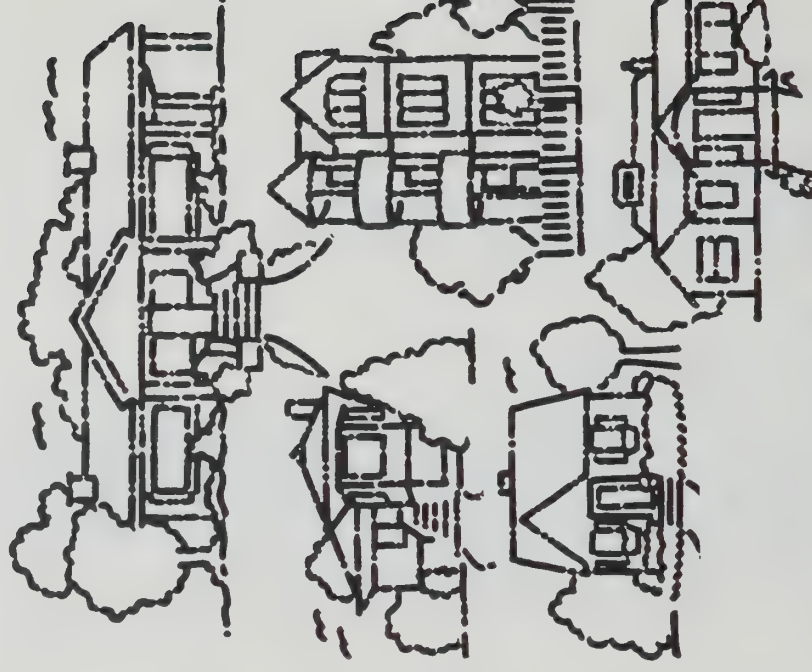
Where do I get applications and more information?

Contact your **municipal office** or nearest **government agent office**, or the tax deferment office in Victoria:

Ministry of Finance and Corporate Relations
Box 2900 1061 Fort Street
Victoria, British Columbia
V8W 3G4
Telephone 387-0599

or *Vancouver at*
873-7636

The Land Tax Deferment Program



Province of British Columbia
Ministry of Finance and Corporate Relations
Honourable Glen Clai Minister

The Land Tax Deferment Program

The Land Tax Deferment Program is a property tax relief program that allows you to defer the payment of annual property taxes on your home if you are:

- 60 years or older; or
- a widow or widower; or
- a handicapped person as defined in the

Guaranteed Available Income for Need (GAIN) Act;

and if you are:

- a Canadian citizen or landed immigrant who has lived in British Columbia for at least one year before applying for Land Tax Deferment Program benefits.

For more information on GAIN, you should contact your local government agent or your municipal collector.

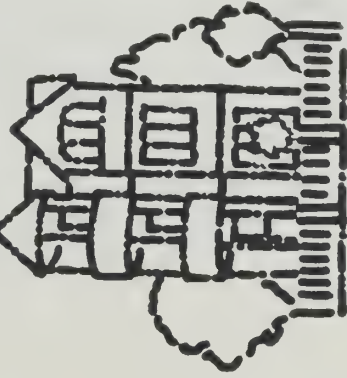
What types of homes qualify for tax deferment?

You can defer taxes on your home where you live and conduct your daily affairs for most of the year.



The property must be the one on which you would claim the Home Owner Grant.

Manufactured homes must be covered by a current fire insurance policy.



You must have a minimum equity in your home of 25 per cent of the assessed value, as determined by the British Columbia Assessment

Authority. This means your mortgage and any other charges registered against your property can be up to 75 per cent of the assessed value. Private property assessments are not accepted.

Separate rules apply for homes under long-term leases and homes located on lands reserved for the use and benefit of aboriginal peoples.

What homes do not qualify?

Second residences such as summer cottages or property you have rented out do **not** qualify for the Land Tax Deferment Program.

How much of my taxes can I defer?

After deducting the Home Owner Grant, you can defer all or part of the assessed value of

your home's property taxes for the current year.

If you rent out part of your home, you can defer taxes only on the part in which you are living.

You'll have to pay all property taxes, penalties and interest from previous years before the tax deferment application can be considered. User fees and utility charges on your property tax notice cannot be deferred.

How long can I defer my property taxes?

The deferred taxes on your home must be fully repaid, with interest, to the tax deferment office:

- before your home can be legally transferred to a new owner, other than your surviving spouse; **or**
- upon the death of the agreement holder(s) (repayment is made through the estate); **or**
- upon loss of the minimum 25-per-cent owner equity in your home.



You may choose to repay all or any part of the deferred taxes and interest at any time without penalty.

CITY OF HAMILTON
- RECOMMENDATION -

8e.

DATE: 1992 September 14

REPORT TO: Susan Reader, Secretary
Finance and Administration Committee

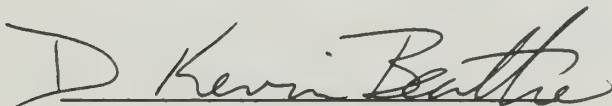
FROM: D. Kevin Beattie
Grants Co-Ordinator

SUBJECT: DISPOSITION OF 1992 CARI-CAN GRANT FUNDS

RECOMMENDATION:

The Grants Review Group has met and respectfully recommends:

- a) that the Cari-Can Organization be requested to account for the 1992 grant funds which was paid out to them in May in the amount of \$6,750.55 and that any unused portion of this amount which has not been used to pay for start-up expenditures for the 1992 Cari-Can Festival be immediately repaid to the City of Hamilton;
- b) and that the amount of \$5,000 which has been held back to offset anticipated City of Hamilton charges for the 1992 Cari-Can Festival remain within the grants budget as a surplus.


D.K. Beattie, Grants Co-ordinator

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

- See above recommendations - essentially there will be a surplus of \$5,000 within the Grants Budget plus possibly more depending on the repayment by Cari-Can of any unused portion of the \$6,750.55 of grant funds already paid to the organization.

BACKGROUND:

On 1992 March 19, the Committee of the Whole and subsequent City Council meeting approved the 1992 Grant for the Cari-Can Festival in the amount of \$20,000, subject to payment of all outstanding amounts owed to the City of Hamilton. An amount of \$8,249.45 of the \$20,000 grant was used to clear all outstanding balances owed to the City. Consistent with the grant payout procedure outlined within the grant policy, an amount of \$5,000 was withheld to cover estimated city costs related to the 1992 Festival. The balance of the grant funds in the amount of \$6,750.55 was paid out to the organization in May, 1992.

In August the organizing committee of the Cari-Can festival announced that the 1992 festival was cancelled. The Grants Review Group met to discuss the cancellation and what recourse to take concerning the 1992 grant. In consultation with the Law Department, the Grants Review Group agreed to recommend to the Finance and Administration Committee that the organization be requested to account for the monies paid to them. This accounting could recognize the fact that the group may have incurred expenditures relating to the 1992 Festival prior to the cancellation. However, any unused funds would have to be repaid to the City and to the extent that the group used in excess of \$5,000, they would have to provide audited Financial Statements in relation to these expended funds.

A letter (copy attached) was received in Treasury August 18, from the Cari-Can Festival requesting payment of the \$5,000 which was withheld to cover the estimated city costs. In response a letter (copy attached) was mailed out to the Cari-Can Organizing Committee outlining the position of the Grants Review Group. There has not been any response to the City's letter.

DKB/dkb

Att'd

C.C. J. Pavelka, Chief Administrative Officer
A. Ross, Treasurer
B. Sugden, Director of Culture and Recreation
P. Noé Johnson, City Solicitor

CARI-CAN



FESTIVAL

The Treasurer,
The Corporation of the City of Hamilton,
City Hall,
71 Main Street West
Hamilton, Ont.

HAMILTON

Attention: Mr. Allan Ross

Re: Retention of Grant Funds.

TREASURY		
1992 AUG 18		
ROUTE	REC'D	
A.C.R.		
I.R.H.		
N.R.A.		
T.W.D.		
I.B.		
G.D.		
A.N.		

Dear Sir,

Further to a resolution of City Council passed on March 19, 1992 granting to the Cari-Can Festival (of) Hamilton a sum of money in the amount of \$20,000.00. Please be advised that to date, we have received a cheque in the amount of Six Thousand, Seven Hundred and Fifty Dollars and Fifty-five cents (\$6750.55). Our records indicate a total indebtedness to the City of Hamilton in the amount of Five Thousand, Four Hundred and Thirty-One Dollars and Seventy-Two cents (\$5,431.72) and not Eight Thousand, One Hundred Dollars (\$8,100).

There seems to be some misunderstanding with respect to the grant. Certain sums of money were retained by the city treasury although in the resolution no authority appears therefor. We are therefore requesting the remainder of the funds from the said grant.

An AUDITED FINANCIAL STATEMENT for 1992 will be provided as set out in your policy and in the better of Mr. Beattie.

Your prompt attention and cooperation to this matter would be greatly appreciated.

Yours Very Truly
1992 Cari-Can Festival Committee

per

per

C.C

Ald. V. Agro
Ald. B Morelli
Ald. D. Ross
Mr. R. Sugden

August 19, 1992

Cari-Can Festival
35 King Street East, Suite 10
Hamilton, Ontario
L8R 3L5
Attention: Henderson Nurre

Re: 1992 Grant Funds

Dear Henderson,

Further to your hand-delivered letter received by Treasury late yesterday, as you are aware the Committee of the Whole and the subsequent City Council meeting of March 19, 1992 approved the 1992 Grant for the Cari-Can Festival in the amount of \$20,000 subject to payment of all outstanding amounts owed to the City of Hamilton. An amount of \$8,249.45 of the \$20,000 grant was used to clear the outstanding balances owed to the City. Enclosed please find copies of the relevant invoices. In addition and consistent with the grant payout procedure outlined within the grant policy, a further amount of \$5,000 was withheld to cover estimated city costs related to this year's festival. A City of Hamilton cheque was issued to you in May, 1992 in the amount of \$6,750.55 reflecting the balance of the 1992 Grant.

I understand that you have cancelled this year's festival. Since the 1992 Grant was awarded to you to offset operational costs of the 1992 Cari-Can Festival, which is now cancelled, the Grants Review Group will be requesting direction as to the outcome of the Grant funds at the next Finance and Administration Committee meeting in September. The Grants Review Group is prepared to request that you provide an accounting of the \$6,750.55 of grant funds paid to you for expenses relating to the 1992 festival and that any unused funds not expended on this year's festival operations should be repaid to the City immediately, subject to the direction of the Finance and Administration Committee and the City Council meeting of September 29, 1992.

To the extent that you have used the 1992 grant funds in excess of \$5,000, you will be required to submit to the City of Hamilton audited financial statements as required by the Grants Policy.

Should you require any clarification of these points please contact me at 546-2739.

Yours very truly,

D. Kevin Beattie
Grants Co-ordinator

C.C. A. Ross, Treasurer

c.c. Joe Pavelka, P.Eng., Chief Administrative Officer
Alderman D. Ross, Alderman, Ward 8
Bob Sugden, Director of Culture and Recreation

9.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 September 17

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee


FROM: Property/Taxation Project Steering Committee

SUBJECT: 1) Implementation of a Monthly Automatic Tax Payment
Plan effective 1993 January 1

2) Status of Main Property/Taxation Project

RECOMMENDATION:

- a) That effective 1993 January 1, the Optional Monthly Automatic Tax Payment Plan be implemented for commercial and industrial assessed properties for the payment of 1993 Realty Taxes.
- b) That the attached By-law to amend the Municipal Tax Levy By-law 71-69 respecting an Optional Monthly Automatic (Pre-Authorized) Property Tax Payment Plan be approved.
- c) That Treasurer be authorized to proceed with the proposed public information and publicity campaign for the Monthly Automatic Payment Plan.
- d) That services of one contract or temporary Database Systems Analyst and three contract or temporary Database/CSP Programmers be obtained to program the replacement Property/Tax system for periods not to exceed 18 months. Funding is to be provided from Account # CH 55434-25415
- e) That Director of Information Systems and the City Solicitor be authorized to develop a draft Policy for consideration by Committee and Council pertaining to the distribution and/or potential sale to third parties (including other Municipalities) of Computer Business, Process and Data Models, and software as developed by the City of Hamilton.


Allan C. Ross


J.G. Hindson, P.Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funding is included/provided within Property/Taxation Project Accounts.

BACKGROUND:

The purposes of this report are to respond to Committee direction and provide a status update regarding the Pre-authorized Tax Payment System and the Property/Taxation System.

PRE-AUTHORIZED TAX PAYMENT SYSTEM

Optional Monthly Automatic Tax Payment Plan - Commercial and Industrial

City Council at its meeting held 1992 May 12 adopted section 18 of the EIGHTEENTH report of the Finance and Administration Committee which authorized the implementation of an optional Pre-authorized Tax Payment Plan effective 1993 January 1, for Residential Taxpayers. The resolution also directed the Treasurer to report back on including commercial and industrial assessed properties in the plan.

The optional payment plan was not originally offered to the commercial and industrial sector, as it was concluded that a one year delay would enable staff to learn the pre-authorized payment system for Residential Taxpayers and eliminate potential problems. Also, it is estimated that in 1993 when there are only 11 rather than the regular 12 monthly payments, there will be a minor one-time loss in investment income. In addition, experience in some other municipalities has been that there is limited interest from the commercial-industrial sector in a pre-authorized realty tax payment system.

As requested by the Finance and Administration Committee, we have reviewed the possibility of implementing the pre-authorized system for commercial-industrial realty accounts at the same time as the residential system. We have concluded that the system can be implemented without significant financial or administrative ramifications. Accordingly, it is recommended that the pre-authorized payment plan also be offered for commercial-industrial realty accounts effective January 1, 1993.

It is important to recognize that the payment of business taxes by pre-authorized tax payment has not been presented for consideration. Business taxes are a lien against the individual and not the property, therefore the collection is onerous and requires specific procedures to ensure payment. In view of the current economic environment and the

BACKGROUND: - continued

requirement to have everyone pay their share of taxes, strict procedures must be followed by staff to ensure that taxes levied continue to be collected effectively. Due to these considerations and the different due dates for business taxes, it is recommended that pre-authorized payments not be available for business taxes.

A by-law to enact the pre-authorized tax payment system for residential commercial and industrial properties is attached for consideration and approval.

Monthly Automatic Payment Plan (MAPP) Status

The option of ratepayers paying realty taxes monthly by pre-authorized payments, (which may include commercial and industrial subject to Committee/Council approval), is on schedule for implementation 1993 January 1. The individualized application forms and accompanying brochure will be mailed out on or about October 7th (after the September instalment). Each ratepayer will receive an indication of the monthly payment amount based on 1992 taxes and 11 payments.

The pre-authorized tax payment scheme is being promoted as MAPP - the Monthly Automatic Payment Plan.

In order to encourage enrolment in the Plan, an information and publicity campaign has been organized that will include newspaper advertisements, press releases and promotion as well as the brochure supplied to each ratepayer.

PROPERTY/TAXATION SYSTEM

(Main Project) Status

The projected completion for Phase I (replacement of the Main Tax and Property inquiry System) is January 1994. As with any project of this size, its progress is affected by many different events and circumstances. The withdrawal of ADE (a software productivity tool) from the market has been a disappointment, on the other hand current economic conditions increase the likelihood that qualified CSP Programmers will be available to work on the Project.

At the present time the Project is projected to be within Budget. However, the Budget is currently under review and will be revisited when the resource requirements from the Project Plan are completed and after the completion of some of the initial modules in early

BACKGROUND: - continued

1993. The budget and resources required for the Project will be monitored on an ongoing basis.

Project Review

In June of 1992, Contract Management Resources (CMR) was engaged to do a Project Review in order to provide an outside perspective on how the Project was progressing, and in particular, to identify any issues that may require immediate attention. CMR reviewed various Management and Technical issues and made 53 recommendations for consideration by the Management Group. In some cases the recommendations have been adopted or completed (21), or already incorporated in the Plan (18), or upon further examination are not considered to be of concern (2). The remaining 12 recommendations are pending and under consideration by the Project Management Group.

Municipal Seminar

As part of design development for Hamilton's replacement Property/Tax system, a seminar was held on June 25th with 27 participants from 10 other Ontario Municipalities that are particularly interested in Municipal Property/Tax systems.

The reactions of the participants at the seminar to Hamilton's Property/Tax System design were positive, with considerable interest being expressed in some of the customer service features and the "generic" Business and Process Models that were developed during the design phase. These models could be used by other parties to develop systems. In consultation with the Law Department, we have taken steps to protect the systems documentation and design as the intellectual property of the Corporation.

Resource Requirements

The Planning for the Property/Tax Project includes the engagement of additional Systems and Programming staff (either Temporary or Contract) to assist with the development of the Tax System. Funds have been provided within the Project budget for these additional staff requirements.

The staff required will have specialized Systems and Programming skills particular to IBM's DB2 Database and Cross System Product software.

BACKGROUND: - continued

The Tax Project is now at the stage where these supplementary staff will be required. Information Systems will be arranging for the hiring of the additional four staff that will be on-site for various stages of the Project for periods ranging from 12 to 18 months.

At the completion of the Project, the temporary staff will be terminated and the System will be maintained by internal staff assigned to the ongoing maintenance of Property Systems.

Potential Sale of Intellectual Property

During the development of the replacement Property/Tax system, the City of Hamilton has used advanced techniques to develop and document complete Business, Process and Data Models for the Municipal Tax System that have potential "market" value. These Models describe in detail the Business Processes and Data involved in processing Municipal Taxes and Assessment information. Since these models are generic and hardware independent, they could be used by other Municipalities or the private sector to develop Property/Taxation System software.

Traditionally, in Canada, software has been shared between Municipalities at no or low cost. However, the availability of Process Models increases the potential market value both to other Municipalities and the Private sector. As this is a new area, and represents a potential source of income, it is recommended that a policy concerning the disposition of System Models and software be developed for consideration by Committee and Council.

DJK\djk
Attachment

c.c. J. G. Pavelka, Chief Administrative Officer
P. Noé Johnson, City Solicitor
J. J. Shatz, City Clerk

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Amend:

Municipal Tax Levy By-law No. 71-69

Respecting:

OPTIONAL PRE-AUTHORIZED REALTY TAX PAYMENTS

WHEREAS pursuant to Section 399 of the Municipal Act, R.S.O. 1990, Chapter M-45, the City is empowered to provide for the payment of realty taxes by instalments and is further empowered to invoke penalties and discounts;

AND WHEREAS the municipality is further empowered to direct that such monies be paid by the person charged with payment into banks as authorized by the said section of the Municipal Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 27 of the 12th Report of the Finance and Administration Committee, at its meeting held on the 12th day of May 1992, directed that By-law No. 71-69, as amended, be further amended to implement an optional Pre-Authorized Tax Payment Plan

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 71-69 is amended by adding the following subsection:

10(a) (1) In this By-law, MONTHLY AUTOMATIC PAYMENT PLAN means the pre-authorized monthly withdrawal of the realty tax from the taxpayer's financial institution through electronic funds transfer.

(2) Notwithstanding Section 10, residential, industrial, and commercial realty taxpayers of The Corporation of the City of Hamilton may enrol in an optional Monthly Automatic Payment Plan to provide for the payment of realty taxes, and other charges collected in a like manner as taxes, in monthly payments in any year. The payments will be made by pre-authorized withdrawal from the taxpayer's financial institution.

(3) The Monthly Automatic Payment Plan commences on January 1, 1993.

(4) Payments made under the Plan for 1993 will be divided into eleven payments. The first payment will be withdrawn on January 1, 1993 and on the first day of each subsequent month until November 1, 1993. For subsequent tax years, the Plan will require twelve monthly payments. The first payment will commence on December 1st and continue on the first day of each month until November 1st of the next year.

(5) If the taxpayer makes all payments as required by the Plan, no penalty or interest will be levied.

(6) Continued enrolment in the Monthly Automatic Payment Plan may be revoked by the Treasurer if more than one monthly payment fails to be honoured. If a taxpayer defaults on more than one payment, the Treasurer may cancel the privilege of any defaulting taxpayer to participate in the Monthly Automatic Payment Plan for one (1) year. Tax accounts disqualified from the program, shall revert to the regular instalment billing system and be subject to penalty and interest in accordance with By-Law Number 71-69 or subsequent tax levy by-laws.

PASSED this day of , A.D.
1992.

City Clerk

Mayor

(1992) 12 R.F.A.C. 27, May 12

\\BYLAW\\TAXPREPA.6

10a.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 August 28

SEP 17 1992

REPORT TO: Ms. Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Mr. John Johnston
Commissioner of Human Resources

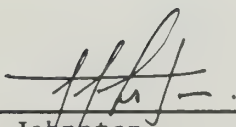
SUBJECT: Salary Classification - Co-ordinator of Senior's
Services & Food Services

Culture & Recreation Department (C-043-092)

RECOMMENDATION:

That the following salary classification be approved:

<u>POSITION TITLE</u>	<u>FUNCTION</u>	<u>GRADE</u>	<u>SALARY</u>
Co-ordinator of Senior's Services & Food Services	Manages the Sackville Hill Senior's Centre and co-ordinates the provision of senior's services with outside agencies. Manages the provision of food services for the Department.	K	\$47,412.56 - \$55,811.08 per annum



J. Johnston

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The salary for this position will be met by the current operating budget of the Culture & Recreation Department. There will be no change in current staff complement.

BACKGROUND:

On May 26, 1992, City Council approved that the Culture & Recreation Department develop the staff organizational chart for the new Sackville Hill Senior's Recreation Centre in consultation with the Human Resources Centre. It also provided that financial allocation be given to a number of new positions. This

new position of Co-ordinator of Senior's Services & Food Services has been forwarded to the Human Resources Centre for salary classification and the subsequent approval of the Finance and Administration Committee.

CITY OF HAMILTON
- RECOMMENDATION -

10 b.

DATE: 1992 August 26

SEP 17 1992

REPORT TO: Ms. Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Mr. John Johnston
Commissioner of Human Resources

SUBJECT: Salary Classification - School Crossing
Supervisor

Traffic Department (C-044-092)

RECOMMENDATION:

That the following salary classification be approved:

<u>POSITION TITLE</u>	<u>FUNCTION</u>	<u>GRADE</u>	<u>SALARY</u>
School Crossing Supervisor	Supervises the day to day operations of the School Crossing Program. Provides technical and administrative support to the School Crossing Program.	0	\$34,001.76 - \$39,962.52 per annum



J. Johnston

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The salary for this position will be met by the current operating budget of the Traffic Department. There will be no change in current staff complement.

BACKGROUND:

The assumption of responsibility for the administration of the School Crossing Guard Program on April 1, 1990 and subsequent organizational changes within the School Crossing Section approved by City Council on January 14, 1992 has necessitated the evaluation and placement of this former Regional Police Department position within the City of Hamilton non-union salary scale.

The Traffic Department has forwarded this position to the Human Resources Centre for salary classification and the subsequent approval of the Finance and Administration Committee.

CITY OF HAMILTON
- RECOMMENDATION -

10c.

DATE: 1992 September 15

REPORT TO: Ms. Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Mr. John Johnston
Commissioner of Human Resources

SUBJECT: Salary Classification - Conservator
Department of Culture & Recreation (C-047-092)

RECOMMENDATION:

That the following salary classification be approved:

<u>POSITION TITLE</u>	<u>FUNCTION</u>	<u>GRADE</u>	<u>SALARY</u>
Conservator	Provides conservation and preservation maintenance for museum artifacts, historical buildings and municipal public art and monuments.	M	\$40,640.60 - \$47,819.20 per annum


J. Johnston

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The salary for this position is 100% funded by the Federal Department of Communications under the Conservation Assistance Program for the first twelve months. Grant funding is calculated on a decreasing twelve month formula of 100%, 75% 50% and 25% with the Department of Culture & Recreation becoming responsible for the entire salary cost in the fifth and subsequent years.

BACKGROUND:

On January 14, 1992 City Council approved that the Cultural Services Division apply for a grant under the Conservation Assistance Program - Federal Department of Communications to establish the position of Conservator. On June 18, 1992 the Department of Culture & Recreation received approval from the Minister of Communications for participation in the Program and the first payment of grant

monies to defray the costs of creating the permanent position of Conservator. The position has been referred to the Human Resources Centre for salary classification and the subsequent approval of the Finance & Administration Committee.

CITY OF HAMILTON
- RECOMMENDATION -

10d.

SEP 17 1992,

DATE: 1992 September 16

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Mr. John Johnston
Commissioner of Human Resources

SUBJECT: Child Care Task Force (C-048-092)

RECOMMENDATION:

It is recommended that:

1. Council adopt the following mission statement as it pertains to child care:

The Corporation of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth recognizes its employees as both productive members of the corporations and responsible members of their families and communities and acknowledges the importance of assisting them in balancing work and family responsibilities. This commitment shall be reflected through the implementation of policies, procedures and programs.

2. the development and implementation of policies, procedures and programs be reviewed by staff, the unions and Human Resources on an ongoing basis and amended as necessary.
3. that the Child Care Task Force prepare and submit to both City and Region Senior Management Teams and Union Presidents a report outlining various alternative working arrangements.
4. that employees, unions, and management be encouraged to accomodate alternative working arrangements.

5. that unions and management bring forward the following items in the next set of negotiations for mutual discussion:
 - a) job sharing- two employees voluntarily share one full-time position
 - b) "family emergency" leave of absence - a leave of absence without pay for the purpose of attending to a family crisis, not to exceed five days per year; leave application can be made by telephone to a direct supervisor/manager; employees shall be offered the opportunity to make up lost time (wages) in straight time, i.e. no overtime.
 - c) maternity leave top-up - employees on maternity leave are given supplement to unemployment insurance benefits; the supplement is the difference between 75% of regular earnings and the sum of weekly U.I. benefits; maximum period of receipt is fifteen (15) weeks.
 - d) vacation entitlement - that vacations granted in any year shall be determined on the basis of aggregate credited service and such service is to include maternity/parental leave whether paid or unpaid.
6. that, in the interim, a sub-committee be struck to include representation from CUPE Local 167 and task force members to discuss supporting and implementing job sharing.
7. that in the future, consideration be given to accommodating a child care centre when any new city or region building is purchased or constructed.
8. that the task force prepare and forward a report to the Accommodation Committee (Region) and the Manager, Real Estate Division (City) on the feasibility of implementing a child care centre.
9. that the child care task force continue to meet to complete the above tasks and that Council direction be given to representatives from the Department of Culture and Recreation, the Hamilton Public Library, the Department of Public Health and the Department of Social Services to assist in the compilation of an information brochure and the development of in-house service programs.



J. Johnston

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Child Care Task Force has been meeting for just over a year. A great deal of time has been spent researching alternative working arrangements and examining existing policies, practices and programs within the organization that support today's family concerns. Through research and communication with employees by means of a survey, it is apparent that change is required for employees to balance both personal and workplace demands. It is the intention of the task force to focus on recommending changes in policies and procedures, to inform employees, management and union executives of the myriad of alternative working arrangements and to maximize accessibility and utilization of the existing internal resources in our organization. The members of the task force are:

MEMBERS

Sylvia Renshaw, Economic Development
Dr. Fran Scott, Health Department
Eric Tuck, Hamilton Street Railway
Lorretta Marshall, Culture & Recreation
Mary O'Brien, Health Department
Jayne Munroe, Human Resources Centre
Wendy Overbaugh, Health Department
Alderman Henry Merling
Judith McAnanama, Hamilton Public Library

RESOURCE PERSONS

Kathy Rankin, C.U.P.E. Local 167
Josie D'Alessandro, Traffic
Dianna Cameron, Regional Clerks
Rebecca Barrows, Social Services
Ken Robertson, Regional Police

11a.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 September 11

SEP 14 1992

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Stella M. Glover, Secretary
City of Hamilton Licensing Committee

SUBJECT: Break-open Ticket Lotteries
Third Party Locations

RECOMMENDATION:

- (a) That approval be given to the sale of Break-Open Tickets from Third Party Locations on a permanent basis, subject to the Terms and Conditions which applied to the 6-month trial period, as attached hereto as Appendix A.
- (b) That the issuance of Break-Open Ticket licences for the list of charitable organizations attached hereto as Appendix B be approved until December 31, 1992.

Stella Glover

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Licence fee revenue of approximately \$8,000.00 during Pilot Project. Future revenue estimates will be submitted with 1993 Budget estimates but are expected to increase. Increased administrative and enforcement time will be monitored as the programme expands.

BACKGROUND:

At its meeting of 1992, September 09, the City of Hamilton Licensing Committee considered the following report from the Licence Division Manager and made the foregoing recommendation:

"On February 12, 1992, approval was given to a 6-Month Pilot Project for the sale of Break-Open Tickets at Third Party Locations by qualified charitable organizations.

Since the commencement of the programme, 44 organizations have become involved with the majority having only obtained licences in the last 2-3 months. While staff can only base the success of this programme on a limited period of time, an analysis of the financial success would indicate that 86% of these organizations have been successful. The net result in terms of profit to the organizations has been approximately \$156,000.

Applications by new organizations wishing to become involved in this lottery scheme continue to be received. There is every indication that as organizations become aware of this fundraising tool, the programme will continue to grow.

It should be noted that a small number of organizations have experienced thefts from Third Party Locations due to a lack of adequate control on the handling of tickets by staff within the retail facilities. Most of these problems have now been resolved. Steps have been taken to increase monitoring and to encourage organizations to implement tighter financial control over their lotteries.

It should also be pointed out that a small number of Third Party Locations have withdrawn from the programme because of these problems and the increased workload on staff. The majority of the affected charities have found new locations.

Payment to Third Party Locations by the charities is strictly prohibited. This has resulted in a reluctance on the part of some retail outlets to participate in this programme.

The Entertainment Standards Branch of the Ministry of Consumer & Commercial Relations has in its discussion paper on Lottery Licensing proposed modifications to the Terms and Conditions to permit payment to Third Party Locations. This, we believe, will significantly increase the number of charities and Third Party Locations becoming involved with this type of lottery scheme.

Approval of these new Provincial Regulations, expected early in the New Year, along with greater financial accountability by the charities, should result in increased profits for charities."

attach.

cc: Alderman T. Cooke, Chairperson, City of Hamilton Licensing Committee
Mr. S. Dembe, Licence Division Manager
File

APPENDIX A

TERMS AND CONDITIONS

(i) Except for Provincial Terms and Conditions 3, 4b, and 17b mentioned in the Minister's letter, dated March 6, 1987, that applicants for licences comply with all applicable laws and provisions of the Lotteries By-law.

(ii) That licence applicants, requesting exemption to Terms and Conditions 3, 4(b) and 17(b) as part of their application:

(a) file proof satisfactory to the Licence Committee that the applicant either does not own or regularly occupy premises, or that the premises owned or occupied are impractical for the sale of tickets;

(b) file the signed written consent of the owner or occupier of the premises to be used for the sale of tickets, allowing the sale of tickets for the term of the licence;

(c) file the account number, bank name and branch of the lottery account, and the full names and home addresses of signing officers for the account, specifying whether withdrawals may be made on their signature alone, or with the signatures of other officers;

(d) file a statutory declaration of the applicant, on the form provided by the Licence Division, specifying that no direct or indirect payment is or will be made for the use of premises, property and services involved in the sale of tickets, or otherwise, to the owner or occupier of the premises from which tickets will be sold;

(e) file the statutory declaration of the owner or occupier of the premises from which tickets will be sold, on the form provided by the Licence Division, that no direct or indirect payment has been made, requested or promised from the licence applicant for the use of premises, property and services involved in the sale of tickets, or otherwise, and that no deduction will be made from the proceeds of the lottery when turning over such proceeds to the licence holder, save for cash prizes paid out to winners;

(f) file the signed written approval of the designated member in charge, that they have reviewed the security for tickets and money, and the requirements for the sale of tickets with the owner or occupier of the premises to be used, and have found them satisfactory and responsible;

(g) file sufficient information to allow the Licence Committee to identify the location for sale of tickets, the placement of the container holding tickets while it is being used for ticket sales, and for the Licence Committee to approve the location and placement as suitable for the sale of tickets based on security and appropriateness for a lottery.

(iii) That the licence holder file the signed written right of access of the manufacturer and distributor of the tickets to be sold, prior to the sale of any tickets.

(iv) That, in addition to their regular duties, the person or persons designated to be in charge of the lottery undertake to, on a weekly basis:

(a) attend at the commercial or third party location authorized, to pick up the receipts from boxes of tickets sold, and make a record of a reconciliation of the inventory of tickets, and the receipts, with boxes of tickets sold (for this purpose the seller shall not have more than one box of tickets in the jar for sale at any one time);

(b) make an immediate deposit of the receipts obtained under (A);

(c) review the measures being made for the security for tickets and money from the lottery, and take any necessary steps to ensure the receipts from the lottery are obtained and can be applied to the charitable objects listed in the licence.

(v) That, in addition to their regular duties, the person or persons designated to be in charge of the lottery shall undertake to:

(a) produce to the Licence Division, on a monthly basis, the updated bank book for the lottery account, and copies of the reconciliations from (iv)(a) above for the previous month, and cheques for any withdrawals from the account with the reason for the withdrawal noted thereon, and information on the number and location of all boxes of tickets;

(b) advise the police and the Licence Division of the City, immediately upon the discovery of any shortfall of money or tickets by reason of suspected loss or theft;

(c) maintain records of the reconciliations for at least four years after the licence has expired.

(vi) To ensure the separation of funds, not more than 1 licence shall be issued for a location at one time, and for the purposes of clarity, a location shall be deemed to

be the entire commercial or third party location under the control of the owner or occupier.

(vii) That as part of the approval process, a licence inspector be designated to attend at the premises to be used for sales, to review with the owner or occupier, the relationship with the licence holder, the applicable terms and conditions, the declaration which has been provided by the owner or occupier, and to assist with questions on the required method of selling tickets.

(viii) That no person or organization shall receive any remuneration for selling tickets.

(ix) That if any terms and conditions are violated, the licence be recommended for suspension or revocation.

March 6, 1987

TO ALL MUNICIPAL COUNCILS

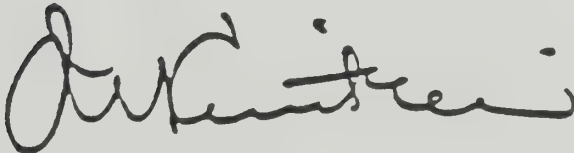
In December 1986, terms and conditions for the issue of Nevada ticket licence were sent to all municipalities by the Lotteries Branch of my ministry. I approved those terms and conditions and I strongly recommend they be complied with by all licencing officials.

However, I have been made aware of a number of charitable and community spirited groups which would otherwise qualify for Nevada ticket licence, but do not own or regularly occupy premises as required by Section 3 of the terms and conditions. Indeed, many of these groups were in receipt of licence and committed to worthwhile projects when the terms and conditions were issued.

In order to alleviate the hardship created for some charitable groups, I hereby authorize a municipal council, in its own discretion, to grant an exemption to the requirements of Sections 3, 4(b) and 17(b) of the terms and conditions provided that:

- (a) the licence applicant cannot meet the requirements of Section 3; or
- (b) the licence applicant meets the requirements of Section 3 but it is impractical to sell tickets from that location;
- (c) the sale of tickets is limited to ONE location only; and
- (d) all other sections of the terms and conditions are complied with.

Where an exemption has been granted, a municipal council must ensure the licensee complies with ALL OTHER TERMS AND CONDITIONS and the recipient charity receives maximum proceeds from the sale of Nevada Tickets.



MONTE KWINTER

Minister

TERMS AND CONDITIONS UNDER WHICH THE
BREAK-OPEN TICKET LICENCE IS ISSUED
(FORM BOLT-TO)

It is a condition of each licence that:

- (1) The licensee shall comply with Sections 189 and 190 of the Criminal Code of Canada.
- (2) (a) the licensee shall comply with all the terms and conditions set out in the application for licence.
 (b) an application for Break-Open Tickets shall be made either:
 - (i) to the local Municipal Council in those Municipalities where all Break-Open Ticket licences are issued by that Municipality with the exception of the provisions contained in Section 5, or, in all other cases
 - (ii) to the Lotteries Branch, after appropriate approval is obtained from the local Municipal Council or Band Council where the sales are proposed to take place.
- (3) A Break-Open Ticket Licence shall only be issued to a charitable or religious organization which owns or regularly occupies premises at which tickets will be offered for sale.
- (4) (a) Each applicant for a licence shall specify one designated location at the address where all Break-Open Tickets will be sold. If a licence is issued, tickets shall not be sold at any place other than the location designated in the application and specified on the licence.
 (b) The designated location specified pursuant to this section shall not be a public, commercial, retail location, nor a location licensed by the L.L.B.O. as a public tavern or beverage room.
- (5) Break-Open Tickets may be sold in association with another Social Gaming event provided that:
 - (i) the tickets are sold under a licence issued by the Lotteries Branch pursuant to Section 2(b)(ii)
 - (ii) the licence is issued only to the charitable or religious group(s) conducting the other event(s) at the location where the tickets are to be sold
 - (iii) all terms and conditions for the sale of Break-Open Tickets and the conduct of the other event(s) are complied with.
- (6) No licence shall be issued for a period exceeding six months.
- (7) A licence shall be issued only for the sale of Break-Open Tickets which retail for a maximum of .50¢ and conform with the ticket quantities, prices and prize payouts as provided below; scratch-off or other forms of break-open tickets are not permitted. The value of any prize awarded shall not exceed \$100.00.

COMMON NAME	NO. OF TICKETS PER UNIT	PRICE PER TICKET	GROSS UNIT REVENUE	NO. OF WINNING TICKETS PER UNIT	PRIZES PER UNIT	LICENSE FEE PER UNIT
Regular	1668 or 1664	\$.30	\$ 834 or \$ 832	224	\$600.00	\$10.00
Super	2184	\$.50	\$1092	224 or 228	\$800.00	\$12.00
Junior	1668 or 1664	\$.25	\$ 417 or \$ 416	224	\$284.00	\$5.00

- (8) The licensee shall forward a copy of the licence to the manufacturer or the distributor from which tickets are to be purchased.
- (9) The applicant shall supply, upon the request of the licencing authority, a signed right of access from the distributor and the manufacturer of the tickets for which the application is submitted.
- (10) The licensee shall indicate on the face of the tickets the name of the organization, the numbers and amounts of the prizes to be awarded, the price of a ticket, the serial number of the ticket, the licence number and the name of the manufacturer of the ticket.
- (11) The licensee shall maintain all funds raised in a separate account. Such account shall be appropriately designated and into it shall be deposited all and only monies received from the operation of the Break-Open Ticket Lottery less the cash payments made for prizes and administrative expenses. All withdrawals from such designated lottery account shall be exclusively by cheque and only be for the purpose of the payment of the necessary and reasonable expenses incurred in the operation of the lottery or for the disbursement of net proceeds derived for one or more charitable object or purposes. The comminglings of monies derived from the conduct of a lottery with any other funds of the licensee or monies derived from Break-Open Tickets Lottery with monies derived from any other type of lottery is strictly prohibited.
- (12) The gross receipts derived from the sale of Break-Open Tickets shall be used for the charitable or religious objects or purposes set out by the licensee in the application for the licence less all reasonable costs actually expended for the payment of prizes, the purchase of tickets, administrative costs and licence fees.
- (13) All proceeds derived from the sale of Break-Open Tickets shall be used for a charitable or religious object or purpose in Ontario.
- (14) No part of the proceeds derived from the conduct of a Break-Open Ticket Lottery shall be applied to the premises at which the sale of Break-Open Tickets is authorized unless the use of the proceeds for such purpose shall enhance the ability of the licensee to perform services of public good or welfare, and written permission is obtained from the Licencing Authority. The maximum amount of proceeds which any licensee may expend on the premises shall not exceed twenty-five percent of the total net proceeds derived from the conduct of the lottery.
- (15) No licensee shall offer for sale any ticket or number of tickets not contained in a jar, box or other container in which all tickets of the given unit have been placed for sale.
- (16) When the number of tickets within the container has been apparently reduced by one-half, the licensee shall refill the container by adding an additional unit (units) of tickets.
- (17) (a) The licensee shall designate a bona-fide member or members of the organization to be primarily responsible for the sale of tickets, the payment of prizes and the keeping of all required records.

(b) The actual handling or selling of tickets shall not be delegated to any organization, company, entity, or to any other person who is not a bonafide member of the licensee.
- (18) No person who is in any way associated with the sale of Break-Open Tickets shall be permitted to purchase a ticket or participate in the winnings of any ticket.
- (19) No person or organization shall receive any remuneration for selling Break-Open Tickets. Maximum administrative expenses for the sale of tickets shall not exceed .01¢ (one cent) for each ticket sold.
- (20) The licensee shall not sell any ticket at a price other than the price appearing on the face of the ticket.

- (21) All Break-Open Tickets shall be opened by the purchaser at the premises stated on the licence and all winning tickets shall be exchanged for cash on the day of sale.
- (22) Winning tickets shall be defaced by the seller at the time of prize payout.
- (23) Each licensee will be held responsible for and shall guarantee the payment of all winnings.
- (24) The licensee shall post the Break-Open Ticket Licence in a conspicuous place at the premises where tickets are being sold.
- (25) The licensee shall obtain invoices for all Break-Open Tickets purchased and retain all invoices for a period of no less than two years.
- (26) Each licence shall at all times maintain complete security over the Break-Open Tickets in its possession and all funds associated therewith. For control of inventory purposes, all stock must be stored and kept in one fixed location in order to permit, if requested, the periodic reconciliation of stock usage and cash flow.
- (27) (a) The licensee shall not permit any person under the age of sixteen years to purchase a ticket.
(b) The licensee shall not extend credit, accept cheques or accept payment by way of credit card for the purchase of any Break-Open Tickets.
- (28) Each licensee shall submit a report on the sale of Break-Open Tickets as set out in Form BOTL-R.
- (29) Such officers as the Minister and Municipal Council may appoint, and all Peace Officers shall, at all reasonable times, have direct and unencumbered access to enquire into the nature, management and conduct of the proceedings for which the licence has been granted, either prior to, during, or after the conclusion of such proceedings.
- (30) A licence may be suspended, cancelled or renewal refused by the issuing authority for breach of any term or condition.
- (31) The Minister may, at any time, suspend or cancel a licence for the breach of any term or condition, or where, in his opinion, to do so is in the public interest.

APPENDIX B

NEVADA TICKETS - 3RD PARTY LOCATIONS

<u>CHARITY</u>	<u>3RD PARTY</u>	<u>ADDRESS</u>	<u>STARTING DATE</u>	<u># BOXES SOLD</u>	<u>COMMENT</u>
Aquatic Club	Food Fair	Jackson Square	April 18/92	32 (\$7,584.)	successful
Arthritic Society	Connaught Ticket Agency	Jackson Square	March 1/92	28 (\$6,636.)	successful
Big Brothers	Mellows	1685 Main St. W.	March 2/92	68 (\$16,116.)	successful
C.N.I.B.	Mellows	140 Centennial Pkwy.	March 17/92	30 (\$7,110.)	successful
Canusa Games (location will be changed)	Shoppers Drug Mart	550 Fennell Ave.	June 2/92	no stats	slow
Catholic Child Aid	Fortino's	801 Mohawk Rd. W.	April 3/92	18 (\$4,226.)	successful
Children's Aid (problem resolved and stricter controls initiated)	The Keg	33 Bowen	April 7/92	14 (\$3,318.)	theft
Comm. Child Abuse	Oakwood Place	1091 Barton St. E.	Aug. 12/92	no stats	new lottery
Conqueror II	Panama Jack's	Upper Gage	March 23/92	25 (\$5,925.)	successful
Crime Stoppers	Beni's	John St. S.	Aug. 4/92	no stats	new lottery
Diabetes Assoc.	Fortino's	Wellington & Mohawk	Aug. 7/92	14 (\$3,318.)	successful
Family Services	Westown Bar & Grill	Locke St.	July 3/92	14 (\$3,318.)	successful
Firefighters Drum	Cross Roads	Beside Delta Bingo	June 1/92	no stats	

NEVADA TICKETS - 3RD PARTY LOCATIONS

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<u>CHARITY</u>	<u>3RD PARTY</u>	<u>ADDRESS</u>	<u>STARTING DATE</u>	<u># BOXES SOLD</u>	<u>COMMENT</u>
Good Shepherd Centre	Fortino's	Dundurn	Apr. 9/92	9 (\$2,133.)	successful
Good Shepherd N. P. H. (problem is being addressed and stricter controls initiated) Gourley Park	Fortino's James McDonald Schl	Mall Road Chestley St.	Apr. 9/92 May 25/92	16 (\$3,792.) start up date: Sept 1992	theft
Ham. East Kiwanis (forced to get new location; Giant Tiger will no longer sell these tickets) Hamilton Minor Ft.	Giant Tiger Fortino's	Ottawa St. 981 Upper Ottawa St.	Apr. 1/92 Apr. 6/92	15 (\$3,555.) 24 (\$5,688.)	successful successful
Hamilton Huskies	Bronzies	201 James St. S.	Apr. 28/92	24 (\$5,688.)	successful
Head Injury	Mugs and Jugs	Limeridge Rd.	Apr. 2/92	16 (\$3,792.)	successful
Heart and Stroke (problem resolved; stricter controls initiated) Hope Haven	Fortino's Bus Terminal	Eastgate Sq. Rebecca	May 26/92 July 2/92	10 (\$2,370.) 4 (\$948.)	theft theft
(problem is being resolved; stricter controls initiated) Kidney Foundation	Dabber Hut	King St.	July 9/92	40 (\$9,480.)	theft
(problem resolved; stricter controls initiated) Kilty Bees	Rays Boat House	Dundurn St.	May 7/92	13 (\$3,081.)	successful
Kinsmen (forced to change location; Cigar Store no longer wants to sell these tickets.) Little Brothers	Cigar Store Fortino's	Centre Mall 310 Limeridge W.	May 29/92 April 9/92	60 (\$14,220.) 16 (\$3,792.)	successful successful
Lung Assoc.	Variety Store	634 Parkdale N.	Apr. 7/92	4 (\$948.)	successful
March of Dimes (charity has cancelled this lottery scheme for now) Multiple Sclerosis	Fortino's R. Place Tavern	399 Greenhill 172 Beach Rd.	Apr. 13/92 June 18/92	20 (\$4,730.) 6 (\$1,422.)	theft slow

NEVADA TICKETS - 3RD PARTY LOCATION

<u>CHARITY</u>	<u>3RD PARTY</u>	<u>ADDRESS</u>	<u>STARTING DATE</u>	<u># BOXES SOLD</u>	<u>COMMENTS</u>
Navy League	Cagney's	Upper Gage	Aug. 10/92	no stats	new lottery
Muscular Dystrophy (Cigar Store no longer wishes to sell these tickets) Neigh. to Neigh.	United Cigar Store Agresta's	Eastgate Mall 10 Young St.	Mar. 15/92 Aug. 12/92	no stats no stats	must move new lottery
Optimist Club	Clancy's	45 Goderich Rd.	May 28/92	32 (\$7,529.)	successful
Ridge Raiders	Frisco's	Upper James	July 16/92	13 (\$3,081.)	successful
Rotary Club A. M.	Beni's	1187 Upper James	May 7/92	no stats	
Rygiel Home	Chap's	Westdale	July 23/92	6 (\$1,422.)	successful
S.P.C.A.	Peddles	Barton St.	Aug. 15/92	5 (\$1,185.)	new lottery
Steel City Wheelers	Gold Door Variety	125 Gailmont	July 30/92	no stats	new lottery
Stroke Recovery	Front Page Coffee	Westcliffe Mall	Aug. 6/92	no stats	new lottery
Temple Anshe Sholom	Lottery Kiosk	Queenston Mall	Mar. 16/92	20 (\$4,740.)	successful
Volunteer Centre	Prince Edward Hotel	737 Barton St. E.	Aug. 7/92	no stats	new lottery
Went. Fig. Skating	O'Tooles	Queenston Rd.	Aug. 6/92	32 (\$7,592.)	new lottery
West Mount. Baseball	Matt's Sports Cafe	870 Upper James	June 24/92	18 (\$4,266.)	successful
YMCA - Harriers (cancelled: too much work for the restaurant staff	Harry's Roadhouse	Cannon St. E.	Aug. 4/92	12 (\$2,844)	completed
TOTAL:				\$155,850	

11b.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 September 11

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Stella M. Glover, Secretary
City of Hamilton Licensing Committee

SUBJECT: Provincial Discussion Paper (2nd Draft)
Lottery Licence Terms and Conditions

SEP 14 1992

RECOMMENDATION:

- (a) That the Second Draft of the Discussion Paper on Lottery Licence Terms and Conditions attached hereto as Appendix A be endorsed.

Stella Glover

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

At its meeting of 1992 September 09 the City of Hamilton Licensing Committee considered the following report from the Manager of the Licence Division and made the foregoing recommendation:

"This discussion paper is a follow-up to the Ministry of Consumer and Commercial Relations initial consultation released in 1990 wherein the Gaming Services Act and a New Order-In-Council were introduced. The City of Hamilton responded at that time with general support for the Report and, in addition, submitted a number of its own recommendations.

This Draft is the second stage of the consultation process and will provide the framework for new Terms and Conditions under which charitable organizations may conduct various lottery schemes.

The highlights of this second Draft are as follows:

- 1) **Eligibility** - Decisions for all groups will be made by the Province prior to municipalities issuing a licence.
- 2) **Accountability** - Organizations will be required to keep only one designated Lottery Trust Account which must have cheque writing privileges. Two signing officers will be required and audited Financial Statements must be filed within 90 days of the year end.
- 3) **Municipal Control** - Municipalities will be given increased authority to issue licences and will have authority to set licensing quotas.

With respect to revisions to the Bingo Terms and Conditions, a number of new regulations are being proposed and are intended to address problems which have occurred within the Industry over the last several years. The problems include:

- declining profits to charitable organizations
- increased incidents of skimming theft and fraud
- charities finding it increasingly difficult to provide volunteers to staff events
- increased competition among charities and the commercial sector for a piece of the charitable gaming pie
- an inability to effectively administer existing Profit and Expense rules.

The highlights being proposed and which should be endorsed are:

- a variable or fixed prizeboard option
- permitting the sale of bingo cards on the floor
- 30 minutes between events
- use of paid workers to help in running the bingo
- a minimum of 3 bonafide members present at each bingo event
- super jackpots will be permitted
- monster bingo events (\$10,000.) will be allowed but will be licensed by the Province

Finance & Administration Committee

Re: Provincial Discussion Paper (2nd Draft)
Lottery Licence Terms and Conditions

... 3

- pooling of bingo proceeds within a bingo hall will be permitted
- there will be no restrictions on the number of events per day in any bingo hall
- back to back bingos will not be permitted
- there will be a minimum prize payout for multiple winners
- no incentives will be permitted, but token gestures will be acceptable on special occasions

The Discussion Paper also covers Nevada (Break-open) Tickets and for the purposes of this report, the Committee should respond to new directions being proposed by the Province.

The highlights being proposed and which should be endorsed are:

- Sales Commissions will be permitted for Third Party Locations, including Bingo Halls, provided the Third Party Location is registered under the Gaming Services Act.
- Hall Owners can be Third Party Agents.
- Organizations will be allowed Third Party Locations as well as being a member of a Nevada Ticket Association at a Bingo Hall.
- Sales Commissions will be set by the Entertainment Standards Branch at a percentage of gross sales or profits.
- One location per municipality.

While the Discussion Paper discusses Monte Carlo Events and Raffles, the changes being proposed do not in a significant way affect the municipality's control or ability of charitable organizations to continue to conduct lottery schemes of this type and, therefore, can be generally supported.

It should be pointed out that 50/50 draws will be permitted and some incentives for ticket sellers will be allowed.

With respect to Monte Carlo Events the maximum bet will be increased to \$10.00 and payment to blackjack dealers and wheel operators will be allowed by organizations who require assistance to run their event. Rules of play will be outlined in the Gaming Services Act and there will be a set limit on the amount of money that can be spent on Administrative Expenses."

attach.

cc: Alderman T. Cooke, Chairperson, City of Hamilton Licensing Committee
Mr. S. Dembe, Licence Division Manager
File

LOTTERY LICENCE TERMS AND CONDITIONS

DISCUSSION PAPER

SECOND DRAFT

THIS DOCUMENT IS BEING CIRCULATED TO CHARITABLE ORGANIZATIONS
MUNICIPALITIES, AND THE COMMERCIAL SECTOR. ANY WRITTEN
COMMENTS OR SUGGESTIONS ON THIS DOCUMENT SHOULD BE SUBMITTED
NO LATER THAN SEPTEMBER 1, 1992 AND CAN BE DIRECTED TO:

MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS
ENTERTAINMENT STANDARDS BRANCH
10 WELLESLEY STREET EAST, 5TH FLOOR
TORONTO, ONTARIO
M7A 2H8

ANY QUESTIONS YOU MAY HAVE OR REQUESTS FOR MEETINGS CAN BE
DIRECTED TO MS. JASMINA MILANOVICH OR MR. BRYAN THORNE AT
(416) 326-8700 OR AT THE ADDRESS ABOVE.

Ce document est également disponible en français. Pour de plus
amples renseignements, prière de composer le (416) 326-8700.

Release date: June 1, 1992

TERMS AND CONDITIONS DISCUSSION PAPER

In February of this year, the Ministry released a draft rewrite of the terms and conditions applicable to the conduct of charitable gaming events. Interested parties were invited to provide their written comments to the Entertainment Standards Branch by March 31, 1992.

New terms and conditions are one part of an overall proposal to change the regulatory framework governing charitable gaming. These changes are intended to:

- maximize profits to charities by recognizing and regulating the commercial sector
- protect charities from unethical or fraudulent behaviour
- provide consistency in the application of policies and rules across the province
- ensure the consumer is protected by maintaining the viability and integrity of the marketplace.

The four initiatives currently being addressed by the Entertainment Standards Branch are:

- The Gaming Services Act
- A new Order-in-Council
- New Terms and Conditions
- Lottery Licensing Policy Manual

While each initiative deals with a specific area of the charitable gaming market place, they are inter-related. The changes will take place at the same time but only when the Gaming Services Act is passed. It is important to understand that this consultation will deal exclusively with new terms and conditions for the conduct of lottery events.

GAMING SERVICES ACT

This new legislation will regulate the commercial sector involved in the charitable gaming industry. The Act will require persons, who supply a gaming service to charities, such as bingo hall operators, break open ticket manufacturers, etc., to be registered.

ORDER-IN-COUNCIL

This document provides the authority for the Province and the Municipalities to licence and regulate lottery events. It also outlines general terms and conditions applicable to the conduct of lotteries and provides broad policies for the administration of events. The new Order-in-Council will more clearly outline the roles of the Province and the Municipalities with respect to licensing, and will provide municipalities with increased authority to issue lottery licences.

TERMS AND CONDITIONS

These are the set of rules a charity must follow once a licence is issued. Current terms and conditions were originally drafted in 1970 and do not reflect the realities of the charitable gaming market place of the 1990s. The new terms and conditions will also reflect the changes which will occur when the Gaming Services Act is passed.

LOTTERY LICENSING POLICY MANUAL

This is a new initiative designed specifically as a tool to help municipal lottery licensing officers to issue lottery licences. The manual will outline a policy framework and administrative procedures that will provide consistency in the administration of lottery licensing province wide.

PROCESS

An extensive consultation conducted by the Ministry in 1990, dealt only with the Gaming Services Act and the new Order-in-Council. This consultation, which deals specifically with the terms and conditions, is being conducted in two stages. The first stage is now complete and dealt with the initial distribution of the draft documents and the submission of written responses.

We are now in the second stage of the consultation process. Some meetings with charities, municipalities and the commercial sector have been held to further discuss any concerns which have arisen. We will be conducting further meetings with our client groups over the next few months to ensure that any new ideas or proposals are fully discussed. This document will provide the framework for these meetings and will provide groups with a second opportunity to give comments.

INTENT

A review of the written submissions and our initial discussion with our client groups indicates that there are wide ranging views on how the terms and conditions should be changed. We must develop a common basis for the terms and conditions which will provide a range of options to ensure that the complexity of the gaming market place is considered.

The vast majority of comments, received during the first phase of our consultation process, were related to the terms and conditions proposed for bingo events. It is evident from the comments that the new terms and conditions need to more clearly reflect the following principles:

- we want to make it easier for charities to participate in lottery events by:
 - simplifying bookkeeping
 - allowing charities to use paid employees, registered under the GSA, where a sufficient number of volunteers are not available
 - allowing regulated hall operators to be responsible for certain aspects of gaming events
- we want to protect the public by ensuring that lottery funds are properly accounted for and that lottery events are conducted properly
- we want the terms and conditions to reflect the market realities that exist in the 1990s
- we want to develop a set of rules that are clear and easy to follow

We must also ensure that new terms and conditions are flexible enough to respond to the following realities:

- there are different market areas across the province (rural, urban and border communities)
- there are different types and sizes of bingo halls
- charities have differing needs and interests
- municipalities have differing needs and focuses

The written submissions which have been received have provided us with valuable ideas to assist us in meeting these objectives.

NEW DIRECTION

As a result of the comments received from the first round of consultations, we are now considering a number of changes to the terms and conditions which apply to charitable gaming events.

POLICY AND ADMINISTRATIVE ISSUES

- *ELIGIBILITY DECISIONS FOR ALL GROUPS WILL BE MADE BY THE PROVINCE.*

By and large, responses received supported this initiative provided that a simple and speedy procedure could be put into place. Centralizing decisions of what is charitable will go a long way in ensuring more consistency in licensing. Any organization wishing to conduct lottery events will have to have a Group Identification Number (G.I.N.) issued by the Province prior to being considered for a licence. This will be a one time registration after which the group may be licensed provided the G.I.N. remains in good standing. There will be a phase in period for groups requiring registration. There will be a phase out period for groups which are currently licensed but are deemed ineligible. Municipalities will be provided with more detailed information regarding appropriate use of proceeds.

Organizations which are eligible to conduct lottery events will be placed into one of three different categories:

- Registered non-profit charitable organizations
- Non-profit, non-charitable organizations which raise funds for others (service clubs), and
- Non-profit, non-charitable organizations which raise funds for themselves.

How the charity can use its lottery funds will be determined by the category under which the organization is classified. The Province is not, at this time, proposing to change the eligibility guidelines already established under Interpretation Bulletin 003.

- **MUNICIPALITIES WILL BE GIVEN INCREASED AUTHORITY TO ISSUE LICENCES.**

The Province will be providing municipalities with the authority to issue bingo licences up to \$5,500 prize board, raffles up to \$50,000 and most nevada ticket lottery licences. The Province will still be licensing raffles over \$50,000, bingos over \$5,500, all monte carlo events and provincial nevada lotteries. Municipalities will be issuing approximately 98% of all lottery licences while the Province will focus on controlling the charitable gaming industry through regulation of the commercial sector. There will be no revenue sharing for provincial licences issued.

- **MUNICIPALITIES WILL HAVE THE AUTHORITY TO SET LICENSING QUOTAS**

Municipalities will have the authority to set licensing quotas (i.e. limits on how many licences an organization can have) through by-laws or by setting a policy directive. This concept was endorsed by the Association of Municipal Clerks and Treasurers of Ontario (AMCTO) on the basis that the rules should be flexible to accommodate locals needs and priorities. Municipal licensing offices will be given provincial guidelines on how to issue licences based on financial need.

GENERAL POLICY

- **ORGANIZATIONS WILL BE REQUIRED TO KEEP ONLY ONE DESIGNATED LOTTERY TRUST ACCOUNT WHICH MUST HAVE CHEQUE WRITING PRIVILEGES.**

This one account will be used for the purposes of administering any and all licensed lottery events conducted by the organization. Organizations that conduct bingos in border cities will be required to keep a separate trust account for American currency.

The following general principles will apply to the management of the trust accounts:

- two signing officers of the licensed organization are required to administer the lottery trust account

- there can be no transfer of monies from the designated lottery trust account into an operating or general account except for registered non-profit charitable organizations
 - a ledger identifying transactions on the account is to be maintained specifying the financial details of each event and the use of proceeds derived from each lottery conducted
 - all payments from the proceeds of each event to be made by cheque from the designated lottery trust account
 - all withdrawals from the trust account to be made by cheque
 - trust accounts cannot be closed until all monies have been donated to the charitable objects as approved in the application for the licence
- *ORGANIZATIONS WILL BE REQUIRED TO PROVIDE THE LICENSING AUTHORITY(IES) WITH A VERIFIED FINANCIAL STATEMENT WITHIN 90 DAYS OF THEIR YEAREND*

The type of financial review will depend on the frequency of events and the annual net proceeds from lottery events. The following general principles will apply to the minimum type of financial review required:

- Organizations may be required to provide an audited financial statement on demand within 90 days of request
- Organizations that realize net profits of less than \$50,000 will be required to provide an annual financial statement verified by the two signing officers of the trust account and the Board of Directors of the organization
- Organizations that realize net profits of \$50,000 or greater must provide an annual verified copy of a financial statement reviewed by an independent financial accounting firm, in accordance with section 5815 of the CICA handbook "Reports on Compliance With Contractual Agreements" (Appendix A)
- Organizations that realize net profits of greater than \$50,000 and that are already receiving audited financial statements from an independent financial accounting firm, should supply us with a copy of those statements along with a copy of the management letter on an annual basis

- *WE WILL ALLOW ORGANIZATIONS TO PAY ADVERTISING, ACCOUNTING, AUDITING AND LEGAL COSTS FROM LOTTERY PROCEEDS*

The Criminal Code of Canada permits advertising to be done only by the charitable or religious organization licensed to conduct an event. These costs must be directly related to the management and conduct of the event and will be capped by the Director. ..

BINGO

The revised bingo terms and conditions are intended to address a number of problems which have occurred within the industry over the last several years. These problems include:

- declining profits to charitable organizations
 - increased incidents of skimming, theft and fraud due to insufficient controls on paper
 - charities finding it increasingly difficult to provide volunteers to staff events
 - increased competition among charities and the commercial sector for a piece of the charitable gaming pie
 - an inability to effectively administer existing profit and expense rules
- *ORGANIZATIONS WILL BE GIVEN THE OPTION OF CONDUCTING BINGO UNDER A FIXED OR VARIABLE PRIZE BOARD SCHEME.*

VARIABLE PRIZE BOARD

- prizes will constitute 60% of the gross receipts derived
- the charity will receive 25% of the gross receipts less:
 - licence fee which will be a maximum 3% of the total prizes payable after the fact on pre-determined periods
 - GST
 - honorariums to its members
 - advertising costs
- maximum administrative expenses to the hall 15% will include the payment of:
 - premises and all equipment
 - bingo paper and supplies
 - bingo caller
 - any runners which are employees of the hall

- security (where necessary)
- charities will be licensed for a maximum \$5,500 prizeboard

These principles are intended to ensure that the charity always makes more money than the hall and that the prize board reacts to market demand. Charities will have the flexibility to set game schedules which have both fixed prizes and variable prizes which could include Share the Wealth type games provided the total of all games does not exceed 60% of gross receipts.

A procedure will be established under the Gaming Services Act whereby the hall owner would collect the licensing fees on behalf of the municipal offices.

FIXED PRIZE BOARD

- the initial prize board for existing halls will be based on 60% of the gross receipts derived over the preceding six month period (these calculations will be based on individual time slots in any given hall)
- profits will be split 60/40 in favour of the charity; the 60/40 calculation will be based on the total of gross receipts less:
 - prizes paid
 - licence fee which will be a maximum 3% of the total prizes awarded payable up front
 - honorariums to its members
 - advertising costs
- the hall owner is entitled to the lesser of 40% of the above total or 15% of gross receipts which will include the payment of:
 - premises and all equipment
 - bingo paper and supplies
 - bingo caller
 - any runners which are employees of the hall
 - security (where necessary)

The game schedule should consist mainly of set prize payouts but may contain various Share the Wealth type games, provided there is a maximum payout. Where the average prize payout over a 6 month period is less than 60% of the gross receipts, organizations will not be forced to increase their prize board.

Charities will be responsible payment of GST on the cost rent and for any cash shortages.

See Appendix B for case example of both options.

- **AMERICAN CURRENCY**

Any hall which is located within a border municipality may accept payment for bingo cards in american currency. Where a patron purchases cards in american currency then any prizes won by that patron must be paid in american money. The bingo caller will not be required to announce the currency that prizes were paid in.

In determining the percentage for the prize payouts for both variable and fixed prize boards, the 60% figure will not include any premium payable on american funds. All expenses will be paid in canadian funds and the licence fee will be based on the prizes awarded without including any premium payable for american money. The charity must deposit all american money in a separate, american currency account. A maximum float of \$5,000 will be kept in this account. Amounts over \$5,000 will be transferred to the designated Lottery Trust account.

We are seeking input from the charitable organizations and hall owners associations on the best way to handle the reporting of American currency. We would welcome proposals for other ways to report these funds. Appendix C proposes two options for handling American funds. The first option shows how two separate events could be handled if half the gross and half the payouts were in American funds under both a variable and fixed prize board. The second option illustrates how an event with both Canadian and American currency could be handled in another manner under both a variable and fixed prize board.

- **ORGANIZATIONS WILL BE ALLOWED TO SELL BINGO CARDS ON THE FLOOR. ORGANIZATIONS WILL NOT BE REQUIRED TO RECORD SERIAL NUMBERS OF BINGO PAPER SOLD.**

The sale of cards may not commence until the preceding bingo has finished. Organizations will be required to provide an accurate record of all bingo paper sold which is less onerous than recording 'serial numbers'. We want to get to the point where all paper supplied by the bingo hall and all sales made during each event can be accurately reported. Two proposals which have been brought forward during the consultation process are bar coding paper and having cash registers in each commercial

bingo hall.

BAR CODING

Under this proposal, all bingo paper would be required to have a bar code printed on it. Each hall would have a computer and 'wanding' system in place to record all paper provided by the bingo hall and all paper sold. Each book sold would be 'wanded' so that it is recorded in the computer. For floor sales, the charity will 'wand' the number of cards given to each runner to sell. Any cards returned by the runners would be deleted from the system. A 'bingo' would only be valid if the card has been entered into the computer. For halls which accept both american and canadian currency, two distinct sets of cards must be available to ensure that the computer can differentiate between american and canadian sales.

CASH REGISTERS

Under this proposal, commercial halls will be required to install fully programmable, electronic cash registers. Charities will be responsible for working the cash register and recording all sales of bingo cards and all prize payouts.

- **ORGANIZATIONS WILL BE ABLE TO USE PAID WORKERS TO HELP RUN THEIR EVENTS.**

Organizations will be required to have a minimum of three bona fide members present at each bingo event. A member of the charity must hold the position of cashier. If the charity is able to find additional members to help with the event, they can do so. Charities unable to provide sufficient members may use hall employees to act as runners. Payment to persons that are hall employees will be the responsibility of the bingo hall.

Organizations may also use the services of a non bona fide member to act as the caller, provided he or she is registered as a gaming assistant under the Gaming Services Act. Payment for the caller will be the responsibility of the bingo hall.

- **HONORARIUMS WILL BE SET BY THE DIRECTOR ON A YEARLY BASIS SO THAT INCREASES IN INFLATION CAN BE REFLECTED.**

Honorariums may be paid to bona fide members of the charitable organization. The charity will be responsible for this payment which will not be included in any administrative expense calculation. The maximum honorariums will be set by the Director, Entertainment Standards Branch. The initial maximum for honorariums - will be set at \$20 per member.

- **SUPER JACKPOTS WILL BE MADE AVAILABLE TO ALL CHARITIES CONDUCTING BINGOS FROM COMMERCIAL BINGO HALLS.**

Each hall will be allowed to conduct one super jackpot game over and above the \$5,500 limit. In order for the super jackpot game to be licensed, the charities must form a sponsor's association to administer the licence. There must be 100% participation from all charities operating in the hall. A separate bank account must be held for the purposes of administering the event. All net proceeds will be divided among member charities on a pro rata basis. Maximum prize will be \$2,000.

- **MONSTER BINGO EVENTS WILL BE ALLOWED AND WILL CONTINUE TO BE LICENSED BY THE PROVINCE.**

Only organizations which do not run regular bingo events will be able to run monster bingo events on fixed amounts. The frequency of events will be limited within market areas to ensure that regular bingo events are not too adversely affected to avoid competition. Maximum prize levels will be set by the Director and there will be a minimum prize board initially set at \$10,000.

- **WE WILL PERMIT POOLING OF BINGO FUNDS IN A BINGO HALL.**

A mechanism will be developed which will permit charities to pool bingo proceeds in the same way that Super Jackpot Association and Nevada Associations do. 100% participation of charities operating in the hall will be required. Profits will be split to each charity on a pro rata basis.

- **CHARITIES WILL HAVE THE OPTION OF VERIFYING WINNERS THROUGH AUDIBLE CALL BACKS OR BY USING ELECTRONIC BINGO VERIFYING EQUIPMENT.**

- **A MINIMUM OF 30 MINUTES BETWEEN BINGO EVENTS WILL BE REQUIRED.**

We will not limit the number of events per day in any hall. Back to back bingos will not be licensed. Although any one organization may hold more than one event per day, the sale of bingo cards for any event cannot begin until the previous event has concluded.

- **THE MINISTRY WILL ALLOW MINIMUM PRIZE PAYOUTS FOR MULTIPLE WINNERS.**

- **INCENTIVES WILL NOT BE PERMITTED.**

We will allow gestures of player appreciation on special occasions provided that they are of token value and are not advertised in any way.

- **LINK BINGO.**

The Ministry will review the concept of "Link Bingo" (A Satellite Bingo).

NEVADA TICKETS

- **SALES COMMISSIONS WILL BE PERMITTED FOR THIRD PARTY LOCATIONS INCLUDING BINGO HALLS PROVIDED THE THIRD PARTY LOCATION IS REGISTERED UNDER THE GAMING SERVICES ACT**

- Hall owners can be third party agents
- Organizations will be allowed third party locations as well as being a member of a Nevada Association at a Bingo hall
- Permission to collect sales commissions will only be granted to persons registered as a supplier under the Gaming Services Act
- Sales commissions will be set by the Director, Entertainment Standards Branch, at a percentage of gross sales or profits
- One location per municipality

- **CHARITY SPONSORS ASSOCIATIONS**

Organizations that manage Bingo Events from the same hall will be encouraged to form sponsors associations. These Associations will enable organizations to speak with one voice in dealing with hall management. Associations can provide an effective way to negotiate scheduling, game

schedule formats, prize boards with the hall management. This provides a non-confrontational opportunity for charities and the commercial sector to ensure that bingo events are conducted in a co-operative manner. Associations that represent 100% of the organizations conducting events at a bingo hall may be licensed to run Super Jackpot Events and Nevada.

PROVINCIAL NEVADA EVENTS

- *MUNICIPALITIES WILL LICENCE ALL NEVADA LOTTERIES EXCEPT THE FOLLOWING WHICH WILL BE LICENSED BY THE PROVINCE*
 - Province wide sales of tickets for organizations with a demonstrated provincial mandate
 - Sales of tickets in conjunction with another gaming event that is licensed by the province

MONTE CARLO EVENTS

In light of the government's recent announcement regarding the establishment of full time casinos, there will be no major change to licensing policies of Monte Carlo events and Blackjack Tournaments until the whole issue is reviewed.

- *WE WILL BE INCREASING THE MAXIMUM BET TO \$10 (TEN)*
- *WE WILL ALLOW ORGANIZATIONS TO USE PAID BLACKJACK DEALERS AND WHEEL OPERATORS TO HELP THEM RUN THEIR EVENT*

We recognize that there is a certain skill required to be a blackjack dealer and that this skill will not necessarily be available among the membership of a charitable organization. It is also recognized that the use of professional dealers will improve the ability of the charity to make a profit on an event. The Gaming Services Act will regulate this industry by requiring that all gaming assistants be registered. Only registered gaming assistants will be permitted to work as Pit Bosses, dealers or wheel operators. The charity will still be required to have members present and be in control of the cash.

- RULES OF PLAY WILL BE OUTLINED IN THE GAMING SERVICES ACT REGULATIONS
- WE WILL BE LIMITING THE AMOUNT OF MONEY THAT CAN BE SPENT ON ADMINISTRATIVE EXPENSES.

The monte carlo industry has been experiencing tremendous growth during the last few years. As a result, expenses have been increasing rapidly while profits to charities have been declining. We need to work out a fair formula which would cap the administrative expenses payable for an event.

RAFFLES

The Ministry often receives requests from charities to run province wide raffles. Under the current rules, if a charity wishes to sell raffle tickets in more than one municipality, it requires the approval from each municipality. Some charities have asked that this approval process be waived since it is administratively cumbersome and costly. Should the Ministry allow Provincial Raffle Lotteries and not require the approval or consent of municipalities?

- WE WILL ALLOW 50/50 DRAWS TO BE LICENSED.

All licences will have a maximum prize which may be given out. Tickets must be consecutively numbered and must have the information required by the terms and conditions printed on them.

- WE WILL ALLOW THE USE OF CONSULTANTS TO ASSIST THE CHARITY IN CONDUCTING THE EVENT.

Consultants would have to be registered as Gaming Assistants or Suppliers under the Gaming Services Act. Maximum fees payable to consultants will be set through regulation.

- INCENTIVES FOR TICKET SELLERS WILL BE ALLOWED.

APPENDIX A

Section 5815 of the CICA Handbook

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special reports

audit reports on compliance with agreements, statutes and regulations

GENERAL AUDITING — SECTION 5815

Effective date. The Recommendations in this Section relating to the form and content of audit reports are effective for reports dated on or after January 1, 1992. However, the Committee encourages earlier adoption.

This Section provides guidance to an auditor engaged to provide an audit opinion as to a client's compliance¹ with criteria established by provisions of agreements, statutes or regulations. It is important that this Section be read in conjunction with SPECIAL REPORTS — INTRODUCTION, Section 5800.

Examples of agreements requiring the auditor to report on compliance under this Section include loan agreements or bond indentures which usually impose on the borrowers a variety of covenants involving matters such as payments into sinking funds, payments of interest, maintenance of current ratio, restriction of dividend payments and use of the proceeds of sales of property.²

Reports on compliance are different from the more usual type of reports on financial statements or other financial information. Engagements to report on compliance would be accepted only when the provisions of the agreement, statute or regulation to be reported on deal with matters within the auditor's professional competence.

The report as to compliance is usually given separately but, in some cases, may be included in the auditor's report accompanying the financial statements.

► *When engaged to express an opinion as to the client's compliance with criteria established by provisions of an agreement, statute or regulation, the auditor should comply with the general and examination standards. (See GENERALLY ACCEPTED AUDITING STANDARDS, Section 5100.)* In some cases, the scope of the audit of the financial statements may also be sufficient to comply with generally accepted auditing standards in expressing such an opinion. In other cases, including those where the compliance period reported on differs from the period under

¹ When the engagement is to express an audit opinion on financial information calculated for purposes of such an agreement, the Recommendations of SPECIAL REPORTS — AUDIT REPORTS ON FINANCIAL INFORMATION OTHER THAN FINANCIAL STATEMENTS, Section 5805, should be followed. When the engagement is to undertake a review resulting in the expression of negative assurance as to compliance with an agreement or regulation, the Recommendations of REVIEWS OF COMPLIANCE WITH AGREEMENTS AND REGULATIONS, Section 3600, should be followed.

² Certain statutes have set out responsibilities when reporting as to compliance with the requirements of trust indentures.

audit. the auditor will need to perform additional procedures in order to comply with generally accepted auditing standards in expressing such an opinion. [JAN. 1, 1992*]

.06 ► A report on compliance with criteria established by provisions of an agreement, statute or regulation should be given only when those provisions deal with matters within the professional competence of the auditor. [JAN. 1, 1992*]

.07 ► the auditor's report on compliance with criteria established by an agreement, statute or regulation should include "Auditor's Report" in the title of the report and be presented in three paragraphs; the introductory, the scope and the opinion paragraphs as described in paragraph 5815.08. [JAN. 1, 1992*]

.08 ► When engaged to express an opinion on compliance with criteria established by provisions of an agreement, statute or regulation, the auditor should:

(a) in the introductory paragraph of his or her report:

(i) state that compliance with criteria established by provisions of the agreement, statute or regulation identified in the report has been audited;

(ii) identify the provisions of the agreement, statute or regulation;

(iii) describe or refer to disclosure of any significant interpretations of the provisions made by the management of the entity;

(iv) when a report on compliance with criteria established by provisions of the agreement, statute or regulation has been issued in the same circumstances for the preceding period, describe or refer to disclosure of a change in any significant interpretation of the provisions made by the management of the entity;

(v) indicate any other information having particular relevance to the party to whom the report is addressed including the subject of any reservation of opinion on the most recent audited financial statements;

(vi) state that such compliance is the responsibility of the management of the entity; and

(vii) state that it is the auditor's responsibility to express an opinion on this compliance based on the audit;

(b) in the scope paragraph of his or her report state that:

(i) the audit was conducted in accordance with generally accepted auditing standards;

(ii) those standards require that the audit be planned and performed to obtain reasonable assurance whether the entity complied with criteria established by provisions of the agreement, statute or regulation; and

* See explanation of effective date at the beginning of this Section.

(iii) such an audit includes:

- examining, on a test basis, evidence supporting compliance;
- evaluating the overall compliance; and
- assessing, where applicable, the accounting principles used and significant estimates made by the management of the entity;

(c) in the opinion paragraph of his or her report express an opinion whether the entity has complied, in all material respects, with criteria established by provisions of the agreement, statute or regulation; and

(d) disclose the addressee, the name of the auditor (or firm), the date of the report and the place of issue. [JAN. 1, 1992*]

► When there is a change in any significant interpretation, and the auditor concludes that such change is adequately disclosed and properly applied, he or she should express an opinion without reservation. [JAN. 1, 1992*]

The following is an example of an auditor's report as to the client's compliance with criteria established by provisions of an agreement. Appropriate amendments would need to be made to take into account particular circumstances.

EXAMPLE OF AN OPINION ON COMPLIANCE GIVEN IN A SEPARATE REPORT

AUDITOR'S REPORT ON COMPLIANCE WITH AGREEMENT

To A Trust Company Limited

I have audited Client Limited's compliance as at December 31, 19X1 with the criteria established by (describe nature of provisions to be complied with) described in Sections to inclusive of (name of agreement) dated, 19... with (name of party to agreement) and the interpretation of such agreement as set out in note 1 attached. Compliance with the criteria established by the provisions of the agreement is the responsibility of the management of Client Limited. My responsibility is to express an opinion on this compliance based on my audit.

I conducted my audit in accordance with generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether Client Limited complied with the criteria established by the provisions of the agreement referred to above. Such an audit includes examining, on a test basis, evidence supporting compliance, evaluating the overall compliance with the agreement, and where applicable, assessing the accounting principles used and significant estimates made by management.

* See explanation of effective date at the beginning of this Section.

In my opinion, Client Limited is in compliance, in all material respects, with the criteria established by (the provisions to be complied with) described in Sections to of this agreement.

City
Date

(signed).....
CHARTERED ACCOUNTANT

[THE NEXT PAGE IS 5965]

5815.11

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APPENDIX B

VARIABLE			FIXED		
	(1)	(2)		(1)	(2)
Gross receipts	\$10,000	\$6,000	Gross receipts	\$10,000	\$6,000
Prize @60% (max \$5500)	\$ 5,500	\$3,600	Prizes (set on previous 6 mths)	\$ 5,500	\$5,500
Net after Prizes	\$ 4,500	\$2,400	Net after Prizes	\$ 4,500	\$ 500
Hall rent 15% of gross	\$ 1,500	\$ 900	Net after*: licence fee (max 3%)	\$ 165	\$ 165
			Honorarium	\$ 60	\$ 60
			Advertising	\$ 40	\$ 40
				<u>\$ 4,235</u>	<u>\$ 235</u>
Charity Gross (25% of gross)	\$ 2,500	\$1,500	Hall Rent (lesser of 40% of above* or 15% of gross)	\$ 1,500	\$ 94
Less:			Charity Profit		
Licence fee (max 3%)	\$ 165	\$ 108	60% Net After*	\$ 2,541	\$ 141
GST	\$ 105	\$ 63	Excess over 15% from hall(b)	\$ 194	\$ 0
Honorariums	\$ 60	\$ 60	Less GST	\$ 105	\$ 6.58
Advertising	\$ 40	\$ 40	Charity Profit	<u>\$ 2,630</u>	<u>\$134.42</u>
	-----	-----			
Plus:					
Excess over max prize*(a)	\$ 500	\$ 0			
	-----	-----			
Charity Profit	\$ 2,630	\$1,229			

Notes:

- (a) Given that maximum prizes are set at \$5,500 and that in this case 60% of gross is over that limit (\$6,000) the excess is profit to the charity.
- (b) This amount is the difference between 15% of gross (if it is the lesser amount) and 40% of the net amount.
- (c) In the event of a loss, the loss will be split 50/50 between hall and charity.

APPENDIX C

Option 1

VARIABLE			FIXED		
	(1)	(2)		(1)	(2)
Gross receipts	\$10,000	\$6,000	Gross receipts	\$10,000	\$6,000
Prize @60% (max \$5500)	\$ 5,775	\$3,780	Prizes (set on previous 6 mths)	\$ 5,775	\$5,775
Net after Prizes	\$ 4,225	\$2,220	Net after Prizes	\$ 4,225	\$ 225
Hall rent 15% of gross	\$ 1,500	\$ 900	Net after*: licence fee	\$ 173.25	\$ 173.25
			(max 3%)		
			Honorarium	\$ 60	\$ 60
			Advertising	\$ 40	\$ 40
				\$ 3,951.75	(\$48.25)
Charity Gross (25% of gross)	\$ 2,500	\$1,320	Hall Rent	\$ 1,500	(\$24.13)
Less:			(lesser of 40% of above* or 15% of gross)		
Licence fee	\$ 173.25	\$113.40	Charity Profit		
(max 3%)			60% Net After*	\$2371.05	(\$24.12)
GST	\$105.00	\$ 63.00	Excess over 15% from hall(b)	\$ 80.70	\$ 0
Honorariums	\$ 60	\$ 60	Less GST	\$ 105	\$ 0.00
Advertising	\$ 40	\$ 40	Plus Premium on US Funds	\$500.00	\$300.00
Plus:			Charity Profit	\$2846.75	\$275.88
Excess over max prize*(a)	\$ 275	\$ 0.00			
Plus Premium on US Funds	\$500.00	\$300.00			
Charity Profit	\$2846.75	\$1,343.60			

Notes:

- Given that maximum prizes are set at \$5,500 and that in this case 60% of gross is over that limit (\$6,000) the excess is profit to the charity.
- This amount is the difference between 15% of gross (if it is the lesser amount) and 40% of the net amount.
- In the event of a loss, the loss will be split 50/50 between hall and charity.

APPENDIX C

Option 2

VARIABLE			FIXED		
	(CAN)	(US)		(CAN)	(US)
Gross receipts	\$5,000	\$5,000	Gross receipts	\$ 5,000	\$5,000
Prize @60% (max \$5500)	\$ 3,000	\$2,500	Prizes (set on previous 6 mths)	\$ 3,000	\$2,500
Net after Prizes	\$ 2,000	\$2,500	Net after Prizes	\$ 2,000	\$2,500
Hall rent 15% of gross	\$ 1.500	\$ 0.00	Net after*: licence fee (max 3%)	\$ 165.00	\$ 0.00
			Honorarium	\$ 60	\$
			Advertising	\$ 40	\$
				\$ 1,735.00	\$2500.00
Charity Gross (25% of gross)	\$ 500	\$1,250	Hall Rent (lesser of 40% of above* or 15% of gross)	\$ 1,500	\$ 0.00
Less:			Charity Profit		
Licence fee (max 3%)	\$ 165.00	\$ 0.00	60% Net After*	\$ 235.00	\$1500.00
GST	\$105.00	\$ 0.00	Excess over 15% from hall(b)	\$ 0.00	\$1000.00
Honorariums	\$ 60	\$	Less GST	\$105.00	\$ 0.00
Advertising	\$ 40	\$			
Plus:			Charity Profit	\$ 130.00	\$2500.00
Excess over max prize*(a)	\$ 0.00	\$ 1,250	Plus US Premium	\$ 0.00	\$250.00
Charity Profit	\$130.00	\$2500.00	Charity Profit	\$ 130.00	\$2750.00
Plus US Premium	0.00	\$250.00			
Charity Profit	\$130.00	\$2750.00			

Notes:

- Given that maximum prizes are set at \$5,500 and that in this case 60% of gross is over that limit (\$6,000) the excess is profit to the charity.
- This amount is the difference between 15% of gross (if it is the lesser amount) and 40% of the net amount.
- In the event of a loss, the loss will be split 50/50 between hall and charity.

NATIVE GAMING

THE MINISTRY WILL BE ENTERING INTO NEGOTIATIONS WITH FIRST NATIONS ON GAMING.

As the government indicated with the signing of the Statement of Political Relationship last year, Ontario recognizes the right of First Nations to self-government within the Canadian Constitutional Framework. Ontario also recognizes the need of First Nation people to have the financial resources to support the development of facilities and services to benefit native communities.

We will be negotiating to reach agreements through which Ontario removes itself from the regulation of gaming on reserves. Each First Nation with whom an agreement is signed will assume responsibility for regulation, control and administration of all gaming activities on their reserves. The negotiated agreements will outline the responsibilities of the First Nations in establishing processes and procedures for regulating and controlling gaming and the responsibilities of Ontario in terms of assisting the First Nations where desired.

We recognize that there is a viable charitable gaming marketplace which must be considered in the course of negotiations with First Nations. The Ministry will be consulting with affected groups and municipalities as required in each specific set of negotiations to ensure a harmonious co-existence between native and non-native gaming endeavours.

12.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 September 16

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Stella M. Glover, Secretary
Taxi Advisory Committee

SUBJECT: Regionalization of the Taxi Industry

RECOMMENDATION:

- (a) That the resolution of the Regional Municipality of Hamilton-Wentworth "That the Region request the Councils of all area municipalities to prepare Agreements with each other and offer to co-ordinate the preparation of an Agreement between the various area municipalities to provide reciprocal privileges in their respective By-laws to enable comprehensive taxi service throughout the Region" not be endorsed.
- (b) That the Regional Municipality of Hamilton-Wentworth be requested to co-ordinate the preparation of an Agreement between the various area municipalities permitting taxicabs to pick up passengers in one municipality and deliver into another municipality.

Stella Glover

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

At its meeting of Tuesday, 1992 September 15 the Taxi Advisory Committee was in receipt of the following report from the Licence Division Manager and made the foregoing recommendation:

"On July 11, 1990, Alderman D. Drury submitted a report to the Legislation and Reception Committee of the Regional Municipality of Hamilton-Wentworth regarding Regionalization of the Taxi Industry. His concerns were that the Township of Glanbrook's Taxi Licensing By-law was deterring taxi owners licensed by the City of Hamilton from providing service to passengers at the Hamilton Airport. City of Hamilton taxicab owners were notified that they required a Glanbrook licence to pick up passengers at the Airport and return them to the City of Hamilton. Failure to comply with the By-law would result in charges being laid.

On October 3, 1990, the Taxi Advisory Committee met with representatives from the Township of Glanbrook to discuss jurisdictional concerns at the Hamilton Airport. These concerns were not resolved at this time.

To address Alderman Drury's report, Item #4 of the Legislation and Reception Committee Report 10-90 was adopted by Regional Council on November 6, 1990. It stated:

"That the Region request that Councils of all area municipalities to prepare Agreements with each other and offer to co-ordinate the preparation of an Agreement between the various area municipalities to provide reciprocal privileges in their respective By-laws to enable comprehensive taxi service throughout the Region."

In a report from David Beck, Regional Legal Services, dated November 20, 1990, he emphasized the complexity of regionalization as indicated in the experience by the Regional Municipality of Ottawa-Carleton. He suggested an alternate solution to the problem of inadequate taxi service at the Hamilton Airport would be the establishment of a reciprocal agreement between the six area municipalities in the Region and the development of a licence fee schedule, which would enable taxicabs licensed in one municipality to operate this service in another municipality.

On May 21, 1991, Mr. S. Dembe, Manager of the Licence Division, informed the Taxi Advisory Committee that the Area Administrators Committee agreed that the Taxi Industry should be regionalized. He also emphasized the complexity of regionalization of the Taxi Industry. A solution to this problem was not tabled, but ongoing discussions with Glanbrook officials have ensued.

On October 3, 1991, the Finance and Administration Committee resolved that the matter regarding regionalization of the Taxi Industry be referred to the Licence

Division to prepare a report through the Taxi Advisory Committee, which will be forwarded to the Finance and Administration Committee for consideration.

The Taxi Advisory Committee held a Public Forum on November 18, 1991 to coordinate and solicit the views of the Taxi Industry within the Regional Municipality of Hamilton-Wentworth on standardization without regionalization, with the objective of improving customer service within the Region. The majority of those persons who attended this meeting voted against any change due to the likely negative impact this would have on the local Taxi Industry, while only a small number supported the suggestion of standardization or a reciprocal agreement.

On January 21, 1992, it was the decision of the Taxi Advisory Committee to meet with representatives of Glanbrook in an attempt to find a mutually acceptable solution to problems experienced by Hamilton taxi drivers at the Hamilton Airport. This meeting which was held at the Township of Glanbrook on March 17, 1992, resulted in a better understanding of the problems and it was decided that there would be no enforcement against Hamilton taxicabs picking up passengers at the Hamilton Airport.

Glanbrook officials informed the delegation at that time that they would consider changes to the By-law and would report back on the matter. While enforcement of the By-law is on hold pending a decision by the Township of Glanbrook, the outstanding request from the Region to the City must be addressed.

The resolution of the Regional Municipality to prepare an Agreement between the various municipalities to provide reciprocal privileges cannot be supported at this time because of the adverse impact this would likely have on the City of Hamilton's Taxicab Industry.

The Licence Division can, however, support a resolution by the City of Hamilton which would require that all municipalities enter into similar Agreements that would permit taxicabs to pick up passengers in one municipality and deliver into another municipality. This is already in practice, but only on an informal basis with all the area municipalities excepting the Township of Glanbrook."

cc: Alderman T. Cooke, Chairperson, City of Hamilton Licensing Committee
Mr. S. Dembe, Licence Division Manager
File

CITY CLERK'S DEPARTMENT

MEMORANDUM

13.

TO: Alderman D. Ross, Chairperson
and Members
Finance and Administration Committee

YOUR FILE:

FROM: Susan K. Reeder, Secretary
Task Force to Review the Civic
Awards Programme

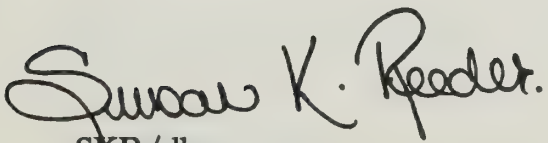
OUR FILE:
PHONE:

SUBJECT: Requests for Civic Awards received
prior to City Council's hold on
further award approvals.

DATE: 1992 September 9

As you are aware, the Task Force to Review the Civic Awards Programme recently met. At that meeting, it was agreed that requests for Civic Awards which were received prior to City Council adopting a position of putting a hold on approvals, should not be affected by this decision.

Consequently, the reports tabled by the Finance and Administration Committee at its 1992 August 20th meeting are herewith presented to you.


SKR/dbm

14 a.
(i)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 August 11

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: John Thompson
Acting City Clerk

SUBJECT: Civic Awards - Hamilton Hoppers Skipping Club

RECOMMENDATION:

- a) That Item 5(a) of the FIFTEENTH Report of the Finance and Administration Committee for 1992 that was adopted by City Council on 1992 July 28 respecting Civic Awards for members of the Hamilton Hoppers Skipping Team be amended to change "civic silver pins" to "civic gold pins"; and,
- b) That Item 5(b) of the FIFTEENTH Report of the Finance and Administration Committee for 1992 that was adopted by City Council on 1992 July 28 respecting Civic Awards for members of the Hamilton Hoppers Skipping Team be amended to change "civic silver rings" to "civic gold rings".

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Approximately \$850.00 to be financed from Account No. CH 56126 84010. (Account in Overdraft).

BACKGROUND:

The Finance and Administration Committee at its meeting held 1992 July 23 gave approval for civic silver pins (10) and civic silver rings (3) to be awarded to members of the Hamilton Hoppers Skipping Team for winning the 1992 Provincial and Canadian Championships.

After reviewing the awards application further, it was noted that civic gold pins and civic gold rings should have been awarded instead of silver.

The Committee at its last meeting approved funding for silver pins and rings in the amount of \$355.00, however, since gold pins and rings should have been awarded, approximately \$850.00 is required for these awards (difference of \$495.00).

no action - hold on awards until Task Force Report
(F&A - 1992 Aug. 20)
Hold approved by Council 1992 Aug. 25
Philip Dwyer

14a
(ii)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 August 11

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: John Thompson
Acting City Clerk

SUBJECT: Civic Awards - Hamilton-Wentworth Aquatic Club

RECOMMENDATION:

That civic gold pins be awarded to the following members of the Hamilton-Wentworth Aquatic Club for winning the 1992 Provincial Age Group Championship:

Julia Berglund
Steve Caswell
Shannon Clark
Kristin Hozjan
Andrea Jenkins
Megan Jones
Julie Kecskemeti
Goran Marjanovic

Marcus Montgomery
Cody Osmon
Jackie Oliveira
Jennifer Scott
Diana Staples
Virginia Stonehouse
Sheryl Turnbull

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Approximately \$375.00 to be financed from Account No. CH 56126 84010 (Now in Overdraft).

BACKGROUND:

Confirmation of this Championship has been received from Swim Ontario.

no action - hold until Task Force reports
(1992 Aug 20 - F&A)

Hold approved by Council 1992 Aug. 25
Charlene proffed.

CITY OF HAMILTON
- RECOMMENDATION -

14a.
(iii)

DATE: 1992 August 11

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: John Thompson
Acting City Clerk

SUBJECT: Civic Awards - Hamilton Synchronized Swimming Team

RECOMMENDATION:

That civic gold pins be awarded to Andrea Cosentino and Heather Gowan of the Hamilton Synchronized Swim Club for winning the 1992 Synchronized Swimming Age Group Provincial Championships held in Etobicoke, Ontario from 1992 May 7 - 9.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Approximately \$50.00 to be financed from Account No. CH 56126 84010 (Now in Overdraft).

BACKGROUND:

Confirmation of this Championship has been received from Synchro Swim Ontario.

no action - held until Task Force reports
1992 Aug. 20 F&A)

held approved by Council 1992 Aug. 25
Charlene presided.

149.
(iv)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 September 9

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: John D. Thompson
Acting City Clerk

SUBJECT: CIVIC AWARDS - HAMILTON AND DISTRICT FIVE
PIN BOWLERS ASSOCIATION

RECOMMENDATION:

That the following Civic Awards be presented to the Members of the Hamilton and District Five Pin Bowling Association for winning the National Five Pin Bowling Championship held in Victoria, B.C. from 1992 June 27 - July 2:

Mike Bates	-	Diamond insert
Stephanie Tuck	-	Diamond insert
Brenda Campbell	-	Ladies' Civic Gold Ring
Rob Ward (Coach)	-	Men's Civic Gold Ring

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Approximately \$634.00 to be financed from Account No. CH 56126 84010. This Account is in Overdraft.

BACKGROUND:

Confirmation of this Championship has been received from the Master Bowlers Association of Canada.

It should be noted that the above request for Civic Awards was received prior to City Council taking the position on 1992 August 25 that no further approvals be granted for Civic Awards until the Task Force to Review the Civic Awards Programme has presented its report to the Finance and Administration Committee and City Council.

The Task Force held its first meeting on Thursday, 1992 September 3 at which time it was agreed that requests for Civic Awards received before the institution of the freeze including those previously tabled should be presented to the Finance and Administration Committee for consideration and recommendation.

CITY OF HAMILTON
- RECOMMENDATION -

14b.

DATE: 1992 September 17

REPORT TO: Mrs. S. Reeder
Secretary, Finance & Administration Committee

FROM: Mr. J. J. Schatz
City Clerk

SUBJECT: Prohibiting Solicitation At Accident Scenes

RECOMMENDATION:

- (a) That the Ministry of Transportation and Communication be requested to amend the Highway Traffic Act to prohibit solicitation at the scenes of accidents,
- (b) That the Association of Municipalities of Ontario be requested to support this request,
- (c) That the Police Services Board, Regional Municipality of Hamilton-Wentworth, be advised of this action.

*S. E. Hollowell for
J. J. Schatz*

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

At the Finance and Administration Committee held August 20, 1992, it was directed that this matter be referred to the City Clerk for a report. The Committee also requested a recommendation outlining the Provincial Legislation that would be needed to amend the Highway Traffic Act. As a result, on September 1, 1992, a meeting was held with representatives of the Police, Tow Truck Industry and Staff. During this meeting, everyone had an opportunity to air their views. The Police representative advised that they were concerned about the problems and also mentioned that in discussions with police in other jurisdictions, similar difficulties were being encountered.

The Tow Truck By-Law was thought to be an effective method of controlling solicitation, however, the By-Law is now being circumvented. It was the conclusion of Staff that there were significant problems at the scenes of accidents involving interference by individuals and harassment of accident victims. Provincial Legislation appears to be necessary to control the problems. It is recommended, therefore, that the Highway Traffic Act be amended to prohibit solicitation at motor vehicle accident scenes, until after the police investigation has been concluded.

A similar resolution as above is being presented to the Police Services Board for appropriate action.

15.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 September 17

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Charlene J. Coutts, Secretary
Advisory Committee on Equitable Representation
on Committees/Boards/Commissions

**SUBJECT: PROCESS FOR APPOINTING MEMBERS TO
COMMITTEES/BOARDS/COMMISSIONS**

RECOMMENDATION:

- a) That a brochure be designed for circulation to members of the public interested in applying to City Committees, Local Boards and Commissions;
- b)
 - (i) That the City Clerk's Department be directed to advertise in various media, including ethnic media, a list of which will be provided by the Advisory Committee on Equitable Representation on Committees/Boards/Commissions;
 - (ii) That all Committees/Boards/Commissions be advised of vacancies when they arise;
 - (iii) That ethno-cultural communities, organizations representing the disabled, the Native Indian Centre, women's groups, and all other organizations or individuals upon request, be notified of vacancies on Committees/Boards/Commissions;
 - (iv) That the City Clerk's Department be encouraged to participate in free media advertising available including the cable network (particularly on ethnic programs) and ethnic radio broadcasts to encourage people to apply;
- c) That all notices of meetings be circulated to the media.

- d) That all Committees/Boards/Commissions be encouraged to hold some meetings in various facilities outside of City Hall and invite persons of those neighbourhoods to attend;
- e) That members who miss three consecutive meetings without committee approval be subject to replacement on that committee;
- f) That membership to all Committees/Boards/Commissions be staggered with 1/3 of its membership's terms of office expiring each year unless the terms of office are established by provincial or federal legislation;
- g) That membership on Committees/Boards/Commissions be limited to two (2) consecutive Committee/Boards/Commission terms unless the terms of office are established by provincial or federal legislation;
- h) That the Tracking Form and Application Form, attached hereto as Appendix "A", be adopted for use by members of the public interested in applying to Committees/Boards/Commissions;
- i) That the following process for applying, interviewing and selecting applicants to Committees/Boards/Commissions be adopted:
 - (i) An Application Form and Tracking Form may be obtained from the City Clerk's Department and the completed form(s) returned to the City Clerk's Department;
 - (ii) Applicants must attend a **mandatory orientation session**, the purpose of which will be to describe the work of the various Committees/Boards/Commissions. The Committees/Boards/Commissions will be required to:
 - provide written material outlining the scope of their Committee/Board/Commission, the time commitment required and the qualifications necessary;
 - arrange for a representative of that Committee/Board/Commission to attend the orientation session to answer any questions applicants may have;

Applicants will be offered a choice of at least three (3) dates for the orientation session from which they must select one;

All applicants will be required to attend unless they are applying for renewal of their present appointment. Applicants who do not attend one of the

offered sessions will not be considered for appointment.

The sessions will be co-ordinated by the City Clerk's Department, the Human Resources Centre and the Selection Committee;

iii) A Selection Committee will be struck by City Council, the mandate of which will be to:

- co-ordinate with assistance from the City Clerk's Department the orientation sessions;
- review applications to the Committees/Boards/Commissions;
- interview candidates;
- make recommendations for selection to the Standing Committee of City Council to which the Committee/Board/Commission reports.

The Selection Committee will consist of:

- two members of City Council
- two members of the Advisory Committee on Equitable Representation on Committees/Boards/Commissions
- one member of the Committee/Board/Commission to which the vacancy applies

Members of the Selection Committee will be rotated every six (6) months. A schedule will be established - one for Members of City Council, and one for the Advisory Committee on Equitable Representation on Committees/Boards/Commissions.

iv) The interviews:

It is mandatory that at least three of the five members of the Selection Committee be present during the interviews. Any fewer than this will result in a rescheduling of the interview(s).

The allotted time for each interview will be approximately ten minutes.

All candidates who attend the orientation session will be interviewed.

An established set of interview questions will be developed by the Selection

Committee and will be asked of all candidates.

All candidates will be notified in writing once the selection has been approved by City Council.

- j) That an equitable representation survey be conducted by the Human Resources Centre every three years and that the first survey be carried out in 1992;
- k) That the Advisory Committee on Equitable Representation on Committees/Boards/Commissions develop a back-up/supplementary list of applicants to be utilized to fill vacancies created by resignations, until the expiration of the term of the individual(s) resigning, thus eliminating the need to invite further interviews of applicants;
- l) That this process commence with those applicants being appointed for terms commencing at the end of 1992.

Conlth

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A however, there may be some minor additional costs for increased advertising.

BACKGROUND:

The Finance and Administration Committee at its meeting held 1990 March 20 approved the appointment of a Sub-Committee to receive and review the Visible Minority Survey of Boards and Commissions as prepared by the Human Resources Centre. The Sub-Committee established the Advisory Committee on Equitable Representation on Committees/Boards/Commissions whose mandate is to:

- track the flow of applications from visible minorities;
- initiate publicity on municipal government Committees/Boards/Commissions to ensure City Council's commitment to equal opportunity;
- undertake a variety of public education activities to broaden the understanding of and the function of City Committees/Boards/Commissions; and to,
- establish a process for appointing members to Committees/Boards/Commissions.

The Advisory Committee on Equitable Representation on Committees/Boards/Commissions met on six occasions as well as holding a public meeting and is recommending the procedures as outlined above.

Attached

APPLICATION FORM
FOR APPOINTMENT TO
CITY OF HAMILTON BOARD, COMMITTEE OR COMMISSION

Please complete the Application Form and include a resume of qualifications, work experience and any additional Community involvement.

The City of Hamilton encourages all residents of the City of Hamilton to apply for membership on City Committees/Local Boards/Commissions. The Finance and Administration Committee approved the appointment of a Sub-Committee in March 1990, to receive and review the Visible Minority Survey of Boards and Commissions. As a result of this, an Advisory Committee was established. Its mandate is:

- to initiate publicity on Municipal Government, Committees/Boards/Commissions ensuring equal opportunity for all Citizens;
- to track the flow of applications; and,
- to undertake a variety of Public Education Activities to Broaden the Understanding of the Function of Committees/Boards/Commission.

Your co-operation is required in filling out the attached Tracking Form. This information is for statistical purposes only and will help the Advisory Committee determine how successful the existing outreach program is, and will assist in identifying any changes needed to promote fair appointment practices in the future.

The completion of the attached Tracking Form is voluntary and information obtained from this Form will be kept strictly confidential.

/Attached

APPLICATION FORM

1. Application for appointment to: _____
(please specify Committee/Board/Commission of interest - maximum of three)

2. Name: _____

3. Home Address: _____

4. Telephone Number (s): Home: _____
Work: _____

5. Please state why you are interested in serving on this Committee/Board/Commission and what do you feel you can contribute? Please list related experience and/or interests.

6. How did you learn about this position?
 - i. _____ Newspaper (please specify)

 - ii. _____ Community Organization
 - iii. _____ Brochure
 - iv. _____ Radio/Television (please specify
which program)
 - v. _____ Word of Mouth
 - vi. _____ Other (please specify)

7. Additional Information:

Signature

Date

APPLICANTS ARE ENCOURAGED TO SUBMIT A RESUME

Your resume should not refer to any prohibited grounds of discrimination, i.e. race, ancestry, place of origin, citizenship, creed, sex, sexual orientation, age, colour, ethnic origin, record of offences, marital status, family status or handicap.

PLEASE RETURN TO: City Clerk
Hamilton City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

TRACKING FORM

Information requested on this form is gathered under Section 13 of the Ontario Human Rights Code.

Do you wish to complete this form?

Yes: _____ (please continue)

No: _____

PLEASE COMPLETE EACH SECTION:

1. Are you: Female _____
Male _____

2. Are you a Native person (North American Indian, Status or Non-Status, Metis, Inuit)?

Yes: _____

No: _____

3. Are you a member of a Visible Minority? (This refers to Race/Colour)

No: _____

Yes: _____ (please specify)

Black _____
(African, American
Canadian)

East Asian _____
(Korean, Japanese, Chinese)

South Asian _____
(Indian, Pakistani)

South East Asian _____
(Cambodian, Filipino, Vietnamese)

West Asian _____
(Arab, Armenian, Egyptian, etc.)

Central/South American _____

Caribbean _____
(Cuban, Jamaican, Trinidadian,
Haitian)

White _____ Other _____

4. Disability

For the purposes of employment equity, disability is defined as a long term physical, emotional/psychiatric or learning disability that may place a person at a disadvantage or that may interfere with work or personal activities.

Given this definition, do you consider yourself disabled?

No _____

Yes _____ (please specify)

Blind/visually impaired _____

Deaf/hearing impaired _____

Mobility impaired _____

Psychiatric _____

Emotional or learning disability _____

Developmentally impaired _____

Other _____

Information requested on this form is gathered under Section 13 of the Ontario Human Rights Code and has been approved by the Ontario Human Rights Commission, Sept. 1991



City of Guelph

CITY HALL, 59 Carden Street
Guelph, Ontario, Canada N1H 3A1

OFFICE OF CITY

Telephone (519) 8
FAX (519) 763-12

17a.

August 25, 1992

AUG 27 1992

REC. BY SS DATE
REF'D. TO J. A. T. DATE
REF'D. TO DATE
REF'D. TO DATE

ACTION: F.Y.R.

City Clerk
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir:

Guelph City Council at their meeting of August 4th, 1992 adopted the following resolution regarding the protection of the wildlife community with respect to preparation work to be done at development sites. This issue was brought forward originally by one of the Councillors as there was concern that some developers were developing sites without regard for wildlife that inhabited the area or the sensitivity of the ecosystem. It was also felt that municipalities should be forwarded a copy of the aforementioned resolution for endorsement, to encourage the Ontario Government to take action immediately.

"WHEREAS Government needs to demonstrate leadership in the concern for the state of the earth;

AND WHEREAS development often results in the disturbance of natural habitats;

NOW THEREFORE BE IT RESOLVED THAT Guelph City Council petition the Ontario Government for the appropriate enabling legislation to prevent any site preparation work such as clearing, top soil stripping, or grading of lands prior to receiving appropriate planning approvals;

AND THAT the resolution be circulated to the Sewell commission and municipalities having a population over 50,000 for endorsement."

Yours truly,

Charlene Lavigne

Charlene Lavigne
Deputy City Clerk

CL:jms

THE CORPORATION OF THE
CITY OF WINDSOR

THOMAS W. LYND, M.A., A.M.C.T.
CITY CLERK



OFFICE OF THE CLERK

17b.

255-6215

FAX: (519) 255-6868

IN REPLY, PLEASE REFER
TO OUR FILE NO. _____

SP E/92

August 27, 1992

TO ALL MUNICIPALITIES WITH A POPULATION OVER 50,000
and
TO ALL COUNTIES IN ONTARIO

Re: Enhanced 911 Telephone Emergency System

Please be advised that Windsor City Council adopted the attached resolution regarding the need for a Province-wide enhanced 911 Telephone Emergency System.

This resolution also endorsed by Windsor Police Services is requesting the Canadian Radio-Television and Telecommunications Commission (CRTC) to receive submissions, deliberate swiftly, and issue the appropriate findings on a subscriber billing plan in order to implement the enhanced 911 service for the safety and benefit of the citizens of Ontario.

Your urgent support of this resolution to the CRTC would be appreciated.

Yours very truly,

Thomas Lynd
City clerk
NL/11
Att.

OFFICE OF THE CITY CLERK

SEP 08 1992

REC. BY SGH
REF'D. TO S.R. DATE _____
REF'D. TO _____ DATE _____
REF'D. TO _____ DATE _____

ACTION: F.Y.A.

The following resolution was adopted by Council at its meeting held on: August 17, 1992.

917/92 WHEREAS there is a widely held awareness of the usefulness, along with clearly demonstrated public safety benefits of the 911 telephone emergency dialing assistance to those in need of urgent ambulance, fire and police response and support; and

 WHEREAS the Canadian Radio-Television, Telecommunications Commission (CRTC) is expected this autumn, to receive submissions from Bell Canada with regard to a proposal to implement subscriber billing for the operating costs of the enhanced 911 telephone emergency system; and

 WHEREAS there are many areas in our Province without a 911 telephone emergency system or are without an enhanced version of the 911 telephone emergency system, and in particular the ambulance, fire and police emergency services along with the people of the City of Windsor do not have the benefit of the enhanced system, and further, the municipalities in the rest of this County do not have a 911 telephone emergency system at all; and

 WHEREAS it has been clearly demonstrated that the enhanced version of the 911 telephone emergency system is far superior with an excellent and instant method of automatically pinpointing the exact location of the person calling in need of emergency assistance,

 THEREFORE BE IT RESOLVED that the CRTC BE URGED to receive submission as soon as possible, deliberate swiftly and without delay issue appropriate findings regarding a subscriber billing plan for implementation of the enhanced 911 telephone emergency system which will improve the safety and benefit of the people of our Province and further, that the Government of the Province of Ontario and its Ministries, the municipalities of the Province, ambulance, fire and police agencies and their respective organizational groups, along with any other agency, body or individual who has interest in this matter also BE URGED to present their views and support of this proposal to the CRTC and further, a copy of this resolution BE FORWARDED to the Ontario Association of Police Service Boards for distribution to the other Police Services Boards in Ontario and that it be recommended that their Executive favourably consider a presentation to the CRTC and further, this resolution BE FORWARDED to the Association of Municipalities of Ontario 1992 Annual Meeting for their urgent support.

CITY OF HAMILTON
- RECOMMENDATION -

18.

DATE: 1992 September 3

SEP 3 1992

REPORT TO: S. Reeder, Secretary
Finance and Administration Committee

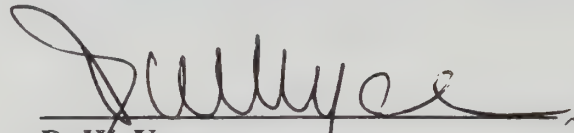
FROM: D. W. Vyce
Director of Property

SUBJECT: Agreement of Purchase and Sale
Lands Owned by Canadian National Railway Company
East Side of Ferguson Avenue North

RECOMMENDATION:

- a) That an Agreement of Purchase and Sale prepared by the Canadian National Railway Company and scheduled to close on or before November 20, 1992, for the purchase by the City of those lands situated in the Regional Municipality of Hamilton-Wentworth, in the City of Hamilton, having a frontage along the easterly road limit of Ferguson Avenue North of 26.20 metres (85.97 feet) more or less, by a depth of 50.81 metres (166.7 feet) more or less, being irregular in shape and comprising a total area of 1,331.361 square metres (14,331.12 square feet) more or less, and lying directly north of the property known municipally as 302 Ferguson Avenue North, be approved and completed and the purchase price of \$65,000.00 be charged to Account Centre 00102 (Reserve for Property Purchases).
- b) That as consideration in the amount of \$2.00 is to be paid to the owner as deposit, this amount be deducted from the purchase price.
- c) That the City agrees to pay on closing all of the Vendor's costs of the Reference Plan/Survey.
- d) That the City agrees within 365 days of this purchase to construct a 6 foot high fence at the request of the Canadian National Railway Company where the lands to be purchased abut exposed track.

- e) That the Mayor and City Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the City Solicitor.



D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds are provided in the 1992 Capital Budget in the "Property Acquisition" Capital Program.

BACKGROUND:

The City of Hamilton has been leasing the subject lands since August 23, 1935 for the handling of asphalt and road paving materials. As such, these lands have come to form an integral portion of the City yard located at 302 Ferguson Avenue North.

At the present time the Canadian National Railway Company is undertaking a significant rationalization of their land holdings. The removal of the tracks at this location and the downsizing currently in effect has finally made it possible for the City to purchase these lands as desired.

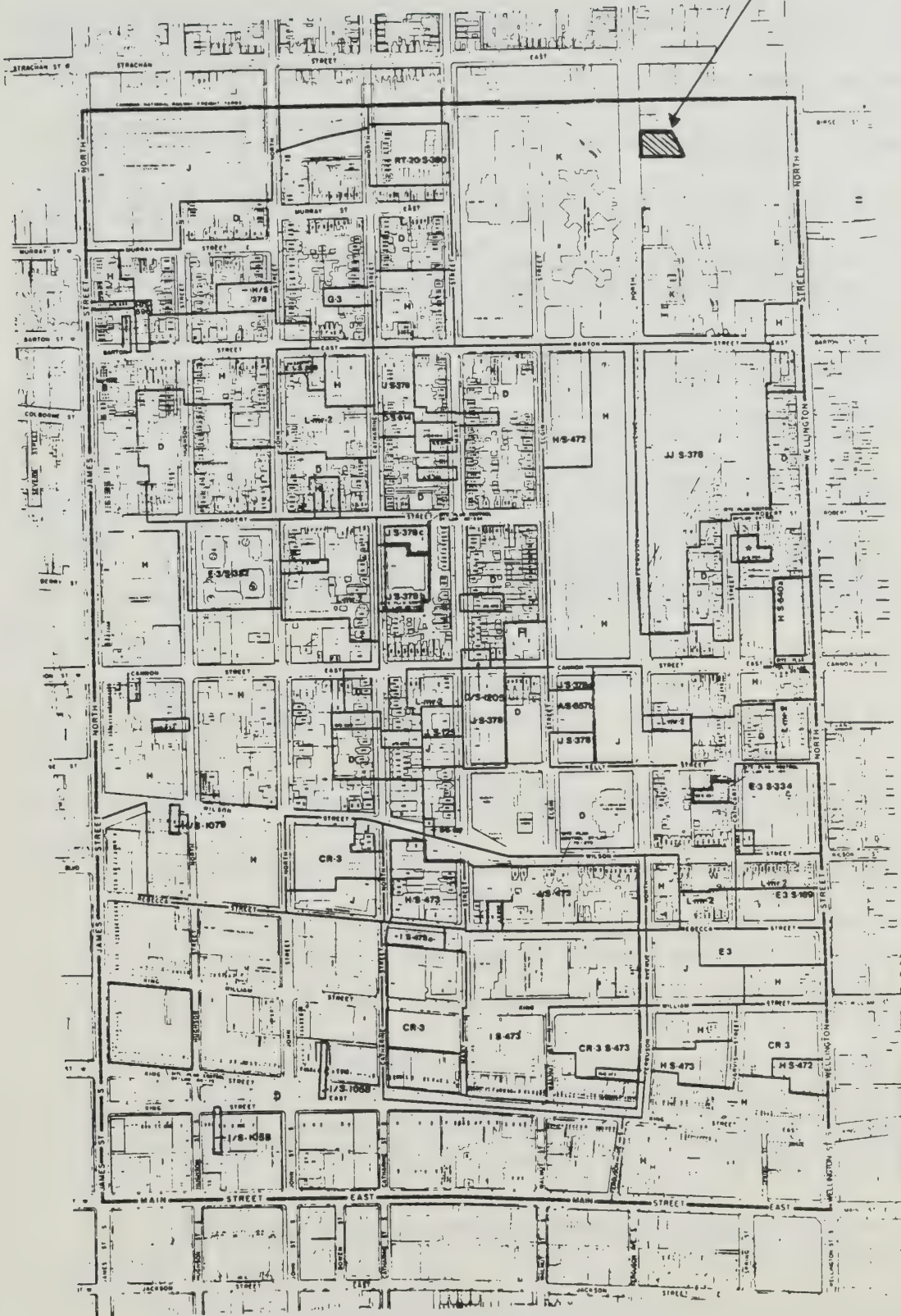
While this agreement does include an environmental clause, which the City would not normally accept, and which effectively makes the City responsible for any environmental problems which may exist, it is our contention that since the City has exclusively occupied these lands since 1935, this clause be accepted in this circumstance alone. This acceptance should not be deemed as precedent for any future acceptance and care should be taken to examine each project individually.

The purchase price of \$65,000.00 is representative of fair market value for industrial lands of this nature at this point in time.

WmM/nw
Attach.

- c.c. P. Noé Johnson, City Solicitor
A. Ross, Treasurer
L. MacNeil, Property Clerk, Surveys
D. Lobo, Director of Public Works

SUBJECT PROPERTY



All Lands Within This Neighbourhood is Subject
To Site Plan Control By-law No. 90-285.

<p>107106 00 21 10 95 41 31 125</p> <p>This is not a Legal Document For Zoning Verification Please Contact City Building Department</p> <p>Neighbourhood Boundary Zoning Boundary</p> <p>Prepared for The City of Hamilton by the Planning and Development Department of The Regional Municipality of Hamilton-Wentworth</p>	<p>CITY OF HAMILTON</p> <p>BEASLEY ZONING</p> <p>SCALE 1:1000</p> <p>JANUARY 1990</p> <p>6703 10</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------

AGREEMENT OF PURCHASE AND SALEPURCHASER: THE CORPORATION OF THE CITY OF HAMILTON

offers to buy from

VENDOR: CANADIAN NATIONAL RAILWAY COMPANY, the following

PROPERTY:

In the City of Hamilton and described and highlighted in Schedule "A" annexed hereto, at the PURCHASE PRICE OF Sixty-five Thousand Canadian Dollars (\$Can. 65,000.00) plus G.S.T. on the following terms:

1. The Purchaser submits with this offer Two Dollars (\$2.00) by certified cheque payable to the Vendor as a deposit to be held by it in trust pending completion or other termination of this Agreement and to be credited towards the Purchase Price on completion.
 2. The Purchaser agrees to pay the balance of the Purchase Price on closing to the Vendor by certified cheque, subject to those adjustments set out in Paragraph 16 below.
 3. The Vendor hereby consents to the Municipality releasing to the Purchaser details of all outstanding work orders or deficiency notices affecting the property.
 4. Notwithstanding the provisions of Paragraph 10, the Purchaser agrees to accept title subject to (i) all registered agreements with municipalities and publicly or privately regulated utilities; (ii) all registered or unregistered easements, rights, covenants and/or restrictions in favour of municipalities, publicly or privately regulated utilities or adjoining owners, or that otherwise run with the land; (iii) any encroachments as may be revealed by Schedule "A-2" or by an up-to-date survey.
 5. The provisions of the attached Schedules "A" and "B" shall form part of this Agreement as if set out herein.
 6. The Purchaser and Vendor agree that no fixtures, buildings or chattels are included in the Purchase Price.
 7. The Purchaser agrees that this Offer shall be irrevocable by him until 11:59 p.m. on the thirtieth day after its date of execution by the Purchaser, after which time, if not accepted, this Offer shall be null and void and the deposit shall be returned to the Purchaser without interest or deduction.
 8. Upon completion, vacant possession of the property shall be given to the Purchaser unless otherwise provided as follows:
-
9. The Purchaser shall be allowed the thirty (30) days next following the date of acceptance to examine the title to the property, at his own expense.
 10. Provided that the title to the property is good and free from all encumbrances except as aforesaid. If within the time allowed for examining the title any valid objection to title is made in writing to the Vendor and which the Vendor is unable or unwilling to remove, remedy or satisfy and which the Purchaser will not waive, this Agreement, notwithstanding any intermediate acts or negotiations in respect of such objections, shall be at an end and all monies theretofore paid shall be returned without interest or deduction and the Vendor shall not be liable for any costs or damages. Save as to any valid objection so made by such day and except for any objection going to the root of the title, the Purchaser shall be conclusively deemed to have accepted the Vendor's title to the property.
 11. The Purchaser acknowledges having inspected the property prior to submitting this Offer and understands that upon the Vendor accepting this Offer there shall be a binding agreement of purchase and sale between the Purchaser and Vendor.
 12. The Vendor and Purchaser agree that there is no condition, express, or implied, representation or warranty of any kind that the future intended use of the property by the Purchaser is or will be lawful except as may be specifically stipulated elsewhere in this Agreement.
 13. The Purchaser shall not call for the production of any title deed, abstract, survey or other evidence of title to the property except such as are in the possession or control of the Vendor. The Vendor agrees that, if requested by the Purchaser, it will deliver any sketch or survey of the property in its possession or within its control to the Purchaser as soon as possible and prior to the last day allowed for examining title.

APPROVED
G & C

REF. 20192

APPROVED
AS TO FORM

EJ for

July/92

14. Provided that this Agreement shall be effective to create an interest in the property only if the subdivision control provisions of the Planning Act are complied with on or before completion.

15. The Purchaser shall be credited towards the Purchase Price with the amount, if any, which it shall be necessary for the Purchaser to pay to the Minister of National Revenue in order to satisfy the Purchaser's liability in respect of tax payable by the Vendor under the non-residency provisions of the Income Tax Act by reason of this sale. The Purchaser shall not claim such credit if the Vendor delivers on completion the prescribed certificate or a statutory declaration of an officer of the Vendor that it is not then a non-resident of Canada.

16. Rents, taxes, local improvements, water and assessment rates and the cost of fuel shall be apportioned and allowed to the date of completion (the day itself to be apportioned to the Purchaser).

17. Time shall in all respects be of the essence hereof provided that the time for doing or completing of any matter provided for herein may be extended or abridged by an agreement in writing signed by the Vendor and Purchaser or by their respective solicitors who are specifically authorized in that regard.

18. Any tender of documents or money hereunder may be made upon the Vendor or Purchaser or their respective solicitors on the day set for completion of this Agreement. Money may be tendered by bank draft or cheque certified by a Chartered Bank, Trust Company, Province of Ontario Savings Office, Credit Union or Caisse Populaire.

19. For the purpose of this Agreement, the term "date of acceptance" shall be deemed to mean the date of acceptance by the Vendor or, in the alternative, if this Agreement is subject to offers and counter-offers, then that date upon which the final acceptance of any counter-offer is indicated by ultimate acceptance by the counter-offeree.

20. Notwithstanding any terms or conditions outlined in the printed portion herein, any provisions written or typed into this Offer shall be the true terms and shall supersede the printed portion in respect to the parts affected thereby. This Agreement shall constitute the entire agreement between the Purchaser and Vendor and there is no representation, warranty, collateral agreement or condition affecting this Agreement or the property or supported hereby other than as expressed herein in writing. This Agreement shall be read with all changes of gender or number required by the context.

DATED this _____ day of _____, 1992.

SIGNED, SEALED AND DELIVERED
in the presence of:

IN WITNESS whereof I have hereunto
set my hand and seal:

THE CORPORATION OF THE CITY OF HAMILTON

Per: _____

Per: _____

The undersigned accepts the above Offer.

DATED this _____ day of _____, 1992.

CANADIAN NATIONAL RAILWAY COMPANY

Per: _____

Per: _____

We have authority to bind the
Corporation

ACKNOWLEDGEMENT

I acknowledge receipt of my signed copy of this accepted Agreement of Purchase and Sale.

DATED this _____ day of _____, 1992.

CANADIAN NATIONAL RAILWAY COMPANY

Per: _____

Per: _____

We have authority to bind the
Corporation

Address:

277 Front Street West, Suite 930
Toronto, Ontario M5V 2X4

Telephone No. (416) 340-6800
Telecopier No. (416) 340-6774

Address of Vendor's Solicitors:

Goodman and Carr (Larry Ginsler)
200 King Street West, Suite 2100
Toronto, Ontario M5H 3W5

Telephone No. (416) 595-2314
Telecopier No. (416) 595-0567
(416) 595-1626

I acknowledge receipt of my signed copy of this accepted Agreement and Purchase and Sale.

DATED this _____ day of _____, 1992.

THE CORPORATION OF THE CITY OF HAMILTON

Per: _____

Per: _____

Address:

Telephone No. _____

Telecopier No. _____

Address for Purchaser's Solicitors:

Telephone No. _____

Telecopier No. _____

SCHEDULE "A"

In the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth as shown outlined in red in Schedule "A-2" attached hereto.



VISBY

SUBDIVISION

G.T.R. 3714

PLAN

NS 1297-1

Inst. M 523 (Reg'd. Jan. 21, 1953)

SCHEDULE "B"

1. The Vendor makes no representations or warranties of any kind, either expressed or implied, as to the condition of the property, the subsoil, environmental matters, condition of any structures, if any, or any other matters respecting the site whatsoever, including the use to which it may be put and its zoning. The Purchaser shall accept the property and any improvements thereon in an "as is" condition. The Purchaser shall be allowed thirty (30) days from the date of acceptance to satisfy himself with respect to all matters respecting the property including the present state of the property and any structures thereon, all encumbrances and all regulations and by-laws governing the property and the Vendor grants to the Purchaser the right to enter upon the property and to conduct such inspections, surveys and tests as the Purchaser deems necessary in this regard, provided the Purchaser takes all reasonable care in the conduct of such inspections, surveys and tests. The Vendor assumes no responsibility for and the Purchaser shall indemnify and save harmless the Vendor from and against all claims, demands, costs, damages, expenses and liabilities whatsoever arising out of its presence on the property or of its activities on or in connection with the property. If for any reason the Purchaser is not satisfied with respect to such matters, he may deliver a notice ("Notice of Termination") to the Vendor indicating that he is not satisfied with respect to such matters and desires to terminate this Agreement and release the Vendor from any further obligations. Upon delivery by the Purchaser of a Notice of Termination to the Vendor, this Agreement shall be at an end and the Vendor shall return the deposit to the Purchaser without interest or deduction and neither party shall have any further obligation to the other respecting the Agreement. The Purchaser covenants and agrees that any environmental reports and the information contained therein is strictly confidential and the Purchaser represents and warrants that neither the Purchaser nor its employees, or agents will release the reports or any of the information contained therein to any other individual, or corporation or to any federal, provincial, or municipal agency or institution or to any other government body, domestic or foreign, without the express written consent of the Vendor, and the Purchaser shall refuse all requests for such reports or information in the absence of the Vendor's express written consent, unless compelled to do so by competent judicial or administrative authority. In absence of delivering a Notice of Termination, the Purchaser shall be conclusively deemed to have waived all requisitions concerning any matters relating to the property save for matters going to title and the Purchaser accepts full responsibility for all conditions related to the property, and the Purchaser shall comply with all orders relating to the condition of the property issued by any competent government authority, court or administrative tribunal, including any order issued against the Vendor. The Purchaser shall be responsible for and hereby indemnifies and saves harmless the Vendor from any costs, including legal and witness costs, claims, demands, civil actions, prosecutions, or administrative hearings, fines, judgments, awards, including awards of costs, that may arise as a result of the condition of the property, any order issued in connection with the condition of the property, or any loss, damage, or injury caused either directly or indirectly as a result of the condition of the property. This paragraph shall not merge but shall survive the closing of this transaction and shall be a continuing obligation of the Purchaser.
2. The information comprising the information package provided by the Vendor, if any, any comments made by the Vendor's staff and any plans or drawings that may have been provided by the Vendor, is for the assistance of the Purchaser in allowing it to make its own inquiries. The Vendor makes no representations or warranties about and takes no responsibility for the accuracy or completeness of information it has provided.
3. The parties agree that in this Agreement a period of days shall be deemed to commence the day following the event that began the period and shall be deemed to terminate at 5:00 p.m. local time of the last day of the period except that if the last day of the period falls on a Sunday or holiday, the period shall terminate at 5:00 p.m. local time of the next day following that is not a Sunday or holiday.
4. The Purchaser warrants to the Vendor that no one is entitled to any fee or commission payable by the Vendor in respect of this transaction by reason of having introduced the property to the Purchaser or otherwise acted as a broker, agent or salesman in connection with this transaction and the Purchaser hereby indemnifies and saves harmless the Vendor in respect of any claim by such a person for any fee, commission or reimbursement based upon such person acting for or as agent of or advising the Purchaser in connection with this transaction or claiming to have done so.
5. The Purchaser shall not assign this Agreement without the consent of the Vendor, which consent may be arbitrarily withheld. If the Vendor consents to an assignment, the Purchaser shall cause the Assignee and the Purchaser, to covenant in writing in favour of the Vendor to be jointly and severally bound by and to jointly and severally perform their respective obligations of this Agreement. The Purchaser shall not be released from his liabilities and obligations hereunder in the event of an assignment.
6. This Agreement shall be completed on the 20 th day of November, 1992.
7. Where this Agreement requires notice to be delivered by one party to the other, such notice shall be given in writing and delivered either personally or by pre-paid registered post or by telecopier, by the party wishing to give such notice, or by the solicitor acting for such party, to the other party or to the solicitor acting for the other party at the addresses noted herein. Such notice shall be deemed to have been given, in the case of personal delivery, on the date of delivery, and, where given by post, on the third business day following the posting thereof, and if sent by telecopier, the date of delivery shall be deemed to be the date of transmission if transmission occurs prior to 4:00 p.m. (Toronto time) on a business day and on the business day next following the date of transmission in any other case. It is understood that in the event of a threatened or actual postal disruption in the postal service in the postal area through which such notice must be sent, notice must be given personally as aforesaid or by telecopier, in which case notice shall be deemed to have been given as set out above.
8. The Purchaser agrees to pay on closing all of the Vendor's cost of the Reference Plan/survey.
9. The Purchaser hereby covenants and agrees, if requested by the Vendor, to install in a good and workmanlike manner a six foot (6') high chain link fence or other fence acceptable to the Vendor

July/92

along the areas abutting lands presently owned by the Vendor where there is exposed track. The Purchaser shall complete the erection of such fence prior to commencing development on the property or three hundred and sixty-five (365) days from completion of this Agreement, whichever is earlier. The foregoing, at the Vendor's option, may be contained in the Transfer delivered on closing.

SCHEDULE "C"

PERMITTED ENCUMBRANCES

NIL



Hamilton
Entertainment
and Convention
Facilities Inc.

19.

SEP 6 1992

MEMO TO: J. Thompson
Secretary
City of Hamilton Finance and Administration Committee

FROM: J. Corr
Acting Board Secretary

DATE: September 4, 1992

SUBJECT: **COPPS COLISEUM - SALE AND SERVICE OF LIQUOR IN ARENA SEATING AREA**

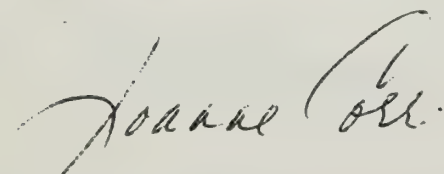
At its regular meeting held August 28, 1992 the H.E.C.F.I. Board of Directors approved the following recommendation:

THAT H.E.C.F.I. FORMALLY REQUEST CITY COUNCIL TO PASS A MUNICIPAL RESOLUTION WHICH WILL ACCOMPANY H.E.C.F.I.'S L.L.B.O. APPLICATION FOR THE SALE OF LIQUOR IN THE TIERED SEATING AREA OF COPPS COLISEUM.

Please ensure that this recommendation is placed on the Finance and Administration Committee's Agenda for appropriate action.

Also, for information purposes, attached are further recommendations approved by the H.E.C.F.I. Board of Directors at its meeting held August 28th with respect to the sale and service of liquor in the seating area of Copps Coliseum.

Respectfully submitted,



Joanne Corr
Acting Board Secretary

THAT THE H.E.C.F.I. BOARD APPROVE OF THE CONSUMPTION OF LIQUOR IN THE TIERED SEATING AREA OF COPPS COLISEUM;

THAT H.E.C.F.I. MANAGEMENT BE AUTHORIZED TO MAKE APPLICATION TO THE L.L.B.O. FOR THE SALE OF LIQUOR IN THE TIERED SEATING AREA OF COPPS COLISEUM; AND

THAT ANY DECISIONS OF H.E.C.F.I. FOR THE ACTUAL SALE OF LIQUOR BE SUBJECT TO H.E.C.F.I. PROCEDURES AND GUIDELINES SATISFACTORY TO THE H.E.C.F.I. BOARD OF DIRECTORS AND THE CITY OF HAMILTON.



Hamilton
Entertainment
and Convention
Facilities Inc.

101 York Boulevard
Hamilton, Ontario
Canada L8R 3L4
Tel. 416/546-4000
Fax 416/527-6856

MEMO TO: S. Reeder
Secretary
City of Hamilton Finance and Administration Committee

SEP 10 1992

FROM: J. Corr
Acting Board Secretary

DATE: September 10, 1992

SUBJECT: **COPPS COLISEUM - SALE AND SERVICE OF LIQUOR IN ARENA
SEATING AREA**

Pursuant to our discussion this morning, please find enclosed an information report with respect to the above-mentioned which was presented to the HECFI Board of Directors at their August 28th meeting.

Respectfully submitted,

Joanne Corr
Acting Board Secretary



Hamilton
Entertainment
and Convention
Facilities Inc.

101 York Boulevard
Hamilton, Ontario
Canada L8R 3L4
Tel. 416/546-4000
Fax 416/527-6856

FOR INFORMATION

MEMO TO : THE H.E.C.F.I. BOARD OF DIRECTORS

FROM : Mr. G. Macaluso,
Managing Director/CEO

DATE : 1992 August 26

SUBJECT : COPPS COLISEUM - Sale and Service of Liquor
in Arena Seating Area

RECOMMENDATION:

**THAT THE FOLLOWING REPORT BE RECEIVED FOR INFORMATION
PURPOSES.**

BACKGROUND:

At the 1992 August 25 meeting of the Marketing and Sales Committee, management was directed to prepare a report regarding the consumption of beer in the spectator seating areas of Copps Coliseum. The issue of making liquor i.e. beer and wine available for sale with consumption permitted in the tiered seating areas has arisen as a result of amendments recently made to the Liquor Licence Act, O.Reg. 546/90.

A) Liquor Licencing presently in effect -

At present, Victor K. Copps Trade Centre Arena is licenced for the sale and service of spirits, beer and wine under Liquor Licence Number 35010. This licence permits the consumption of liquor in three defined areas within the Coliseum i.e.

1. Concourse level, north centre section (Club Lounge) with capacity of 256
2. Concourse level, west centre section with capacity of 302
3. Rink level, north centre section with capacity of 762.

The establishment licence also includes an endorsement i.e. Caterer's which permits expansion of and additions to the above referenced areas. The caterer's endorsement allows licenced capacities on the rink level to be expanded for banquet functions as well additional areas including the rink level media lounge, concourse level Hamilton Room and private boxes are licenced under the provisions of this endorsement.

B) Amendment to Liquor Licence Act -

In June 1992, the Province of Ontario approved amendments to the Liquor Licence Act, O.Reg. 546/90. These amendments have been incorporated into the Liquor Licence Act under Ontario Regulation 348/92, an excerpt of which is attached hereto as Exhibit 'A'.

In summary, Ontario Regulation 348/92 as applicable to the sale and service of liquor at Copps Coliseum stipulates that;

1. To be eligible for a licence for the on-premise sale of alcoholic beverages at professional sporting events, a facility must meet the following requirements:
 - a) has permanent and fixed tiered seating;
 - b) has a resident professional sports team or player/competitors;
 - c) holds live professional sports events on a regular or seasonal basis; and
 - d) has received pre-approval by municipal resolution for the liquor licence application.
2. Licenced stadiums must have designated areas in the tiered seats where liquor is prohibited. These designated areas must include a choice of seats within the range of ticket prices offered at the stadium. The stadium must ensure that the availability of these seats is widely known.
3. All beverage alcohol servers and security staff working at licenced stadiums must successfully complete a L.L.B.O.-recognized responsible service training programme.
4. Customers may not be sold, served or possess more than 800 ml. of beer or more than one 170 ml. container of wine.
5. The licence holder shall not sell and serve wine that contains more than 12 per cent alcohol by volume or other kinds of liquor that contain more than 5 percent alcohol by volume.
6. The licence holder shall ensure that there are prominent notices throughout the stadium which promote responsibility in the use of liquor.
7. The licence holder shall stop selling and serving liquor in the case of a hockey game, when the third period begins and in the case of any other professional sporting event, fifteen minutes before the anticipated end of the event.

C) Events at which alcoholic beverages would be made available for sale and permitted to be consumed in the seating area of Copp's Coliseum -

Should H.E.C.F.I. make application to the L.L.B.O. for stadium licencing privileges at Copp's Coliseum, it is anticipated that hockey games will be the primary event where alcoholic beverages will be allowed to be consumed in the spectator seating areas. In discussion with Mr. P. Hickey, President, Hamilton Canucks Hockey Club, Mr. Hickey has indicated his support for this concept. Please refer to the attached letter dated 1992 August 26 from Mr. Hickey and marked Exhibit 'B'.

Within the upcoming twelve month period, a total of six N.H.L. exhibition and regular season games will be played at the Coliseum. It is an accepted practice in all American N.H.L. arenas and in the majority of Canadian N.H.L. arenas to permit the consumption of beer in the spectator seating areas and as such, permitting same at the Coliseum for these N.H.L. contests is not a problem with the league.

D) Liquor Licencing at Canadian A.H.L. and N.H.L. arenas -

Of the five Canadian arenas and respective hockey franchises within the American Hockey League excluding Hamilton, Halifax Metro Centre permits spectators to consume liquor in their seats. This practice commenced in February of 1992 and reaction from facility management and the majority of patrons attending hockey games has been positive. Prior to February, alcohol consumption was confined to designated areas within the Metro Centre; since expanding this area to the arena seating sections, marginal increases in per capita sales have been realized i.e. 10 to 15 percent. On average, per capita alcohol consumption at the Metro Centre for hockey games amounts to 0.5 drinks/patron.

Of the six Canadian arenas and respective hockey franchises within the National Hockey League excluding Toronto and Ottawa, Vancouver P.N.E. and Edmonton Northlands Coliseum are the only two which do not permit alcohol consumption in the seating areas. In both of these facilities, licenced lounges, restaurants and designated beverage areas do exist. With respect to Toronto and Ottawa, the former has not as of the date of this report, obtained municipal council approval as required by the L.L.B.O. and the latter is presently working with the L.L.B.O. to complete the application requirements.

In the Canadian N.H.L. facilities where alcohol is permitted to be consumed in the spectator seating areas, per capita consumption for hockey games averages approximately 1.0 drinks/patron.

E) Financial -

At the present time it is extremely difficult to project what the financial implications of obtaining a stadium licence will be. For the purposes of this report, we have used a 40 game A.H.L. season and six (6) N.H.L. games as a representative sample of what could be obtained on an annual basis.

Volume has indicated to us that H.E.C.F.I. could expect to receive an estimated \$250,000. to \$300,000. in incremental commission revenue. This is based upon the assumptions that the sale of beer will increase, increased attendance will occur with A.H.L. and N.H.L. games and that the commission paid on all food and beverage sales would increase to the highest rate payable. In a previous report to H.E.C.F.I. on March 9, 1991 Volume had estimated that H.E.C.F.I.'s incremental revenue would be approximately \$100,000. Due to this discrepancy we decided to do our own estimate and staff have contacted other facilities regarding their history related to the extension of liquor licences. The Halifax Metro Centre stated that the sale of beer has increased 10% to 15% since February, 1992 when they were allowed to have beer consumed in the stands. Empire Stadium in Vancouver found a 100% increase when sales were extended at football games. The PNE Coliseum in Vancouver is projecting a 50% increase in beer sales for hockey games.

We have assumed a 67% increase to yield a per capita consumption equal to Halifax (0.5 drinks per patron). At the present time hockey patrons of Copps Coliseum are averaging approximately 0.3 drinks i.e. beer per patron. The incremental revenues for 40 A.H.L. games with an average attendance of 4,000 for an additional 0.2 drinks i.e. beers per patron is approximately \$33,000. per year. Should the six (6) N.H.L. games average 10,000 patrons the incremental revenue would approximate an additional \$13,000.

As stated earlier, Volume believes that our percentage commission would increase to the highest rate payable on all food and beverage sales as per Section 5.01 of the Agreement. The City's Law Department has reviewed this same section of the Agreement and has subsequently recommended that this particular section be amended to ensure that the highest rate of commission payable is guaranteed and the wording in the Agreement is consistent with the requirements of the L.L.B.O. regulations respecting the sale of liquor from outlets separate from the food concessions. As a result of this increase in commission to the highest rate, incremental revenue should further increase by an estimated \$55,000. (based upon the 1992 budget).

Incremental costs will be incurred as a result of the need to increase security. It is estimated that the cost of additional police, part-time security, training and cleaning should approximate \$15,000. in total for these games.

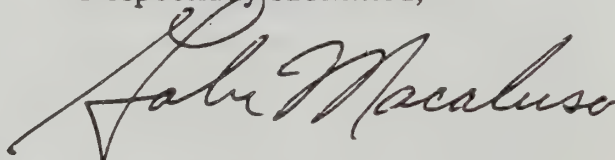
In summary the consumption of liquor in the spectator tiered seating areas for the 40 A.H.L. and six (6) N.H.L. games may be expected to result in the following estimated incremental revenues:

Commission on additional liquor sales	.....	\$ 46,000.
Increase in commission rates	.....	<u>55,000.</u>
Total incremental revenue	.....	\$101,000.
Less additional costs	.....	<u>15,000.</u>
Net Incremental Revenue	.....	<u>\$ 86,000.</u>

Volume will need to incur capital costs to extend the beer service. In our most recent discussions they estimated that this cost would be \$75,000. as required for dispensing and storage equipment. At this time Volume is not prepared to finance the cost for this equipment without a further extension to the contract term. However, Volume has offered to finance the equipment purchase providing that H.E.C.F.I. reimburse them for this cost from the food and beverage commission revenues earned by H.E.C.F.I.

As a final matter we have contacted our insurance representative and there is no need to change our insurance should a stadium licence be obtained. The premium will go up slightly since it is based upon total revenues.

Respectfully submitted,



Gabe Macaluso,
Managing Director/CEO.

/mgm

Attachments

**REGULATION TO AND
ONTARIO REGULATION 546/90**

Exemptions and Rules Respecting Stadiums

1. "Stadium" means a premises whose seating is in fixed tiers and in which a resident professional sports team or players perform before a live audience on a regular or seasonal basis.

76.- (1) No liquor sales licence with respect to a stadium shall be issued to an applicant unless the council of the municipality in which the stadium is located has passed a resolution approving the application.

(2) The Board is exempt from subsection 7(1) of the Act in respect of an application for a liquor sales licence with respect to a stadium.

76.1 Holders of liquor sales licences with respect to a stadium are exempt from sections 11, 23, and 25, subsection 32(2) and sections 37 and 53.

77. Each licence holder shall ensure that the conditions of the licence are set out in sections 78 to 86 respecting stadiums are met.

78.- (1) A stadium must have designated areas in the tiered seats where the possession and consumption of liquor is prohibited.

(2) The designated areas must afford a reasonable choice of seats within the range of ticket prices offered at the stadium, based upon the level of demand by patrons of the stadium for seats in the designated areas.

(3) The licence holder shall ensure that the availability of the designated areas is clearly indicated at the stadium and in promotional literature for events taking place at the stadium.

79.- (1) The service areas where liquor is sold at a stadium must be separate from other concession facilities at the stadium.

(2) The service areas must be used only for the sale of liquor at the stadium.

(3) Despite subsection (1), a licence holder may sell and serve liquor to patrons who are seated in the stadiums seats if,

- (a) the patrons place an order to buy the liquor from the licence holder before the liquor is poured into containers for sale to the patrons;
- (b) the liquor is poured into containers at the service areas before being served to the patrons; and
- (c) patrons are able to order food from, and be served in their seats by servers.

(4) The licence holder shall ensure that there are prominent notices throughout the stadium which promote responsibility in the use of liquor.

80.- (1) The licence holder may sell and serve liquor for consumption by patrons in the tiered seats only,

- (a) during a professional sporting event approved by the Board and held at the stadium; or
- (b) during the ninety minutes before a professional sporting event approved by the Board is scheduled to begin at the stadium.

(2) The Board shall not approve a professional sporting event for the purposes of subsection (1) if,

- (a) The event involves the operation of motor vehicles or motorized snow vehicles; or
- (b) The majority of the participants in the event or the patrons in the stadium at the event are under the age of 19 years.

(3) The licence holder shall stop selling and serving liquor,

- (a) in the case of a baseball game, at the end of the eighth inning of a game that is not a double header or at the end of the second inning of the second game of a double header;
- (b) in the case of a football game, when the fourth quarter begins;
- (c) in the case of a soccer game, fifteen minutes before the end of the game;
- (d) in the case of a hockey game, when the third period begins;
- (e) in the case of horse races, at the start of the penultimate race;
- (f) in the case of any other professional sporting event, fifteen minutes before the anticipated end of the event.

81. The licence holder shall offer for sale a variety of brands of liquor that the licence holder may sell and serve.

82. The licence holder shall not sell and serve,

- (a) wine that contains more than 12 per cent alcohol by volume;
- (b) other kinds of liquor that contain more than 5 per cent alcohol by volume.



HAMILTON CANUCKS HOCKEY CLUB

EXHIBIT 'B'

85 York Boulevard, Hamilton, Ontario L8R 3L4
Tel: (416) 546-1122 Fax: (416) 522-2138

TO: Mr. Gabe Macaluso
FROM: Patrick J. Hickey
RE: Public Beer Sale and Distribution
DATE: August 26, 1992

M E M O

Pursuant to our conversations with regards to new legislation in Ontario that affects of beer sales in public facilities and your request for our position, please note the following.

1. Our experience and research provides confidence that a healthy family atmosphere at American Hockey League games can be maintained proudly. This would include proper degree of non-alcoholic sections, promotion and mature administration.
2. Our staff's experience in other professional sport franchises and venues gives us confidence that alcohol sales maybe properly managed to everyone's benefit.
3. We would support this new service consistent with the coliseum, beer companies and Volume Food Services Inc.

Please contact us for any further information you may require.

A handwritten signature in cursive script, appearing to read "Pat Hickey".

PJH:clmb

A Member of the American Hockey League

CHAIRMAN:
ALDERMAN VINCE AGRO

MEMBERS:
ALDERMAN DOMINIC AGOSTINO
ALDERMAN FRANK D'AMICO



THE PARKING AUTHORITY OF THE CITY OF HAMILTON

PETER G. BAKER
GENERAL MANAGER

TELEPHONE: (416) 523-PARK
FAX: (416) 523-0878

80 MAIN STREET WEST, HAMILTON, ONTARIO L8P 1H6

RECOMMENDATION

DATE: September 17, 1992


REPORT TO: Susan Reeder, Secretary
Finance and Administration Committee

FROM: Peter G. Baker, General Manager
The Parking Authority of the City of Hamilton

20a.

SUBJECT: Rental of Site for Municipal Parking

RECOMMENDATION: That the city lease for parking purposes 12,000 square feet of land located on the West side of the DuMaurier Theatre for the rate of 50% of the net profit per annum for a period of five years with an option to renew for a further period on the same terms providing the Theatre does not need the area for other purposes.


Peter G. Baker, General Manager

FINANCIAL IMPLICATION: The costs to upgrade this carpark will be \$28,000 and the estimated annual net profit to the Parking Authority amounts to approximately \$10,000.

BACKGROUND: The Board of the Parking Authority approved this action at its meeting of September 17, 1992. It will allow the Authority to increase its parking inventory in this area and to also add better control to the parking in the immediate vicinity of its larger carpark at King William and Mary Streets.

CHAIRMAN:
ALDERMAN VINCE AGRO

MEMBERS:
ALDERMAN DOMINIC AGOSTINO
ALDERMAN FRANK D'AMICO



THE PARKING AUTHORITY OF THE CITY OF HAMILTON

PETER G. BAKER
GENERAL MANAGER

TELEPHONE: (416) 523-PARK
FAX: (416) 523-0878

80 MAIN STREET WEST, HAMILTON, ONTARIO L8P 1H6

RECOMMENDATION

DATE: September 17, 1992

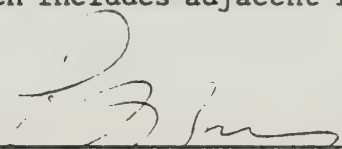
REPORT TO: Susan Reeder, Secretary
Finance and Administration Committee

FROM: Peter G. Baker, General Manager
The Parking Authority of the City of Hamilton

20b.

SUBJECT: Rental of Site for Municipal Parking

RECOMMENDATION: That the city lease for parking purposes .184 acres of land located at the corner of Birch and Harvey Streets belonging to Hydro for a five year period at a rate of \$2,040 per annum (which includes adjacent land presently leased from Hydro for the same purpose).


Peter G. Baker, General Manager

FINANCIAL IMPLICATION: This will enhance of overall net revenue by allowing for parking charges on the subject land which up to the present has been sitting idle and a available for free parking at the expense of the Municipal carparks which are adjacent.

BACKGROUND: The Board of the Parking Authority approved this action at its meeting of September 17, 1992.

URBAN/MUNICIPAL

CA4 ONHBL AOS

C SIF31

J.J. SCHATT
CITY CLERK

1992



THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK
71 MAIN STREET WEST
HAMILTON, ONTARIO L8N 3T4

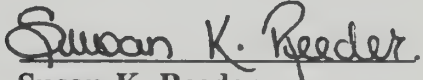
TEL: 546-2700
FAX: 546-2095

1992 October 5th

NOTICE OF MEETING

FINANCE AND ADMINISTRATION COMMITTEE

**Thursday, 1992 October 8th
9:30 o'clock p.m.
Room 233, City Hall**


**Susan K. Reeder
Secretary**

A G E N D A

1. DELEGATIONS

Dr. Morreale, Leander Boat Club.

(a) Information Report - Treasurer.

2. PRESENTATION

City's Representative on the Hamilton Harbour Commission. (No Copy)

3. MAYOR ROBERT MORROW

Arts and the Cities Edmund C. Bovey Clinic and Regional Meeting.

4. ALDERMAN D. AGOSTINO

Realty Tax Deferred Program.

(a) Information Report - Treasurer.

5. CONSENT AGENDA

6. COMMISSIONER OF HUMAN RESOURCES

Information Report - Employment Equity Legislation.

7. BUILDING COMMISSIONER

Payment Revisions - Development Charges By-law 90-74.

8. DIRECTOR OF PROPERTY

City Hall - West Exit Stairs - 8th Floor.

9. CORRESPONDENCE

Federation of Canadian Municipalities - Request for Resolutions for consideration at the 1992 December meeting of the National Board of Directors.

10. TREASURER

(a) Information Report - Chargeback of Central Utilities Plant - costs to H.E.C.F.I.

(b) Levy Payments to the Boards of Education.

11. CITY CLERK

(a) Taxi Flat Rates.

(b) Amendments to Smoking By-laws 80-258 and 89-370.

12. MAYOR'S RACE RELATIONS COMMITTEE

Advisory Committee on Equitable Representation.

13. CHIEF ADMINISTRATIVE OFFICER & TREASURER

Information Report - Mayor's transportation.

14. PRIVATE AND CONFIDENTIAL AGENDA

15. OTHER BUSINESS

16. ADJOURNMENT

OUTSTANDING ITEMS

FINANCE & ADMINISTRATION COMMITTEE

<u>Item</u>		<u>Action By</u>
1.	(a) Policy to exempt Parking Authority from realty and business tax.	Treasurer
	(b) Examine feasibility of directing the net revenue from parking fines into the Reserve Account.	City Clerk
2.	Street Vendors Program - Examine all aspects of the Program and report back to Finance and Administration Committee.	City Clerk
3.	Report back on possible amendments to existing legislation to improve power to confiscate vicious animals.	H.S.P.C.A.
4.	Report on City's Energy Lightbulb Programme.	Purchasing
5.	Rationale of Development Charges on 84 Birmingham Street.	Building
6.	Proposed policy on display of plaques, posters, memorabilia, etc.	Property
Note: The requests from the following are on hold pending Committee deliberation of the Director's report:		
	(a) Status of Women	
	(b) Ridge Raiders Drum & Bugle Corp.	
	(c) Ad & Sales Club	
	(d) Hamilton Mundialization Committee	
	(e) Polish Singers Alliance of America.	
7.	Report on costs incurred as a result of the use of City Hall facilities by outside groups.	City Clerk
8.	Review of dual purpose licence and sign respecting the By-law to license and regulate the sale of tobacco to minors to be purchased and posted by retailers selling tobacco.	City Clerk
9.	Additional Proposed Development Charges Amendments.	Building
10.	Commonwealth Plaza Lighting.	Property
11.	Results of investigation on alternative uses of the Theatre Terra Nova building in the event that Theatre Terra Nova is unable to assume regular monthly mortgage payments as of 1993 January 1st.	C.A.O.

LEANDER



BOAT CLUB

Phone 527-7377

CLUBHOUSE ON THE BAY AT BAY STREET

P.O. Box 83018, Jamesville Postal Outlet
Hamilton, Ontario L8L 8E8

Mr. Don. Ross
City Hall
Hamilton

Dear Mr. Ross:

I am writing on behalf of the Leander Boat Club regarding use of the City of Hamilton's charitable number. The club has been in existence since 1927, and is the only such organization in the Hamilton area.

As I mentioned in our phone conversation August 1st, Leander is in the process of setting up a trust fund in the names of two of its most distinguished members, Paddy Cline and Claude Saunders. These two gentlemen have been involved in the sport of rowing for over fifty years. The establishment of this trust fund would help preserve and promote rowing in Hamilton, assist in the purchase of new equipment, and, if necessary, build a new facility.

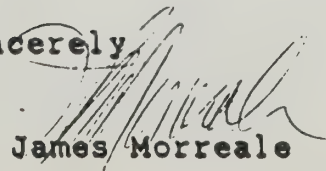
Currently Leander is obliged to give 10 per cent of all funds raised to the Canadian Amateur Rowing Association (CARA) in order for the donor to qualify for a tax receipt. The club does not mind this arrangement as it helps support the sport on a national basis. However, CARA now wants joint control of all our funds in the Foundation which we would like establish. Our membership does not find this suitable, and we would like to control these funds ourselves. Therefore, we would need charitable status for this trust fund.

There have been other organizations which have shared the City's charitable number. The City of Hamilton has contributed to the Leander Boat Club in the past. It has purchased equipment and sponsored a recreational rowing program for the last four years. Other municipalities with rowing clubs, such as St. Catharines, Kingston and Brockville have made similar arrangements.

1

Members of our Executive are willing to attend your committee meetings to explain our concerns and answer any questions which you may have. I hope that you will look favourably at our application, and I look forward to hearing from you soon.

Sincerely,


Dr James Morreale

CITY OF HAMILTON
- INFORMATION -

1.(a.)

DATE: 1992 October 2

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Allan C. Ross
Treasurer

SUBJECT: CORRESPONDENCE - LEANDER BOAT CLUB

BACKGROUND:

The letter dated August 17, 1992 (attached) from Alderman Don Ross forwarded a request from Leander Boat Club to make our Charitable Donation Number available to the Club.

Past City of Hamilton Practices:

Past City procedures as developed by the Treasury Department on such applications have been to provide tax receipts **only on the following basis:**

- (1) The donation must be made to the City of Hamilton to be used for purposes of interest of the City of Hamilton, who will allocate funds at our discretion;
- (2) City Council must adopt a resolution to authorize the acceptance of the donation(s), establishment of a trust fund, issuance of the tax receipt and allocation of monies;
- (3) Any outside agencies (non-profit organizations) who request the City to establish trust funds, receive donations and issue tax receipts must be in receipt of financial assistance from the City of Hamilton.

Income Tax Act:

Under the Income Tax Act (Section 118.1 d), donations to a Canadian municipality qualify as charitable gifts. The proof of the gift is the receipt issued by the recipient, namely the Canadian municipality, as long as the receipt contains the prescribed information set out by subsection 118.2(2) of the Act.

1992 October 2

Susan K. Reeder, Secretary
Finance and Administration Committee - Page 2

A gift to a Canadian municipality generally qualifies for the issuance of a tax receipt if the gift is given to the municipality, **without condition**, to be used by the municipality as it determines in its sole discretion.

Practices in Other Municipalities:

Treasury Department staff have been in contact with representatives of several other Ontario municipalities and have obtained the following information:

City of Brockville/Brockville Rowing Club

In the late 1970's, the Brockville Rowing Club organized a fundraising campaign for the purpose of constructing a new clubhouse building. At that time, they were not approved as a Registered Charity and could not issue their own receipts.

The City of Brockville agreed to receive donations as municipal revenue, issue municipal income tax receipts for donations received and provide a grant to the Club, but only on an interim basis. This procedure was to be performed only for the project-oriented purpose of the new clubhouse. However, the Club raised funds on their own and did not utilize the procedures or tax receipts of the City.

The Brockville Rowing Club through a Private Members Bill were successful in gaining a Tax Exempt status with which they were then able to attain a Registered Charity designation which enables them to issue their own tax receipts for Income Tax purposes.

The City's willingness to agree to the Tax Exempt status confirms the City of Brockville's financial support (by means of not collecting taxes) of the Club and their on-going support of the Club's activities, thereby establishing a close relationship of the two entities.

City of Kingston/Kingston Rowing Club

The City of Kingston receives donations and issues municipal income tax receipts on behalf of project-oriented capital purposes (construction of buildings, purchase of equipment, etc.) of the Kingston Rowing Club.

The Club's building is located on municipal property.

An agreement is in place between the City and Club whereby should the Club cease to exist, all assets will be turned over to the municipality.

The Club's building being on municipal property and the existence of a form of agreement between the two entities is evidence of the on-going relationship of the two parties.

1992 October 2

Susan K. Reeder, Secretary
Finance and Administration Committee - Page 3

City of St. Catharines/St. Catharines Rowing Club

The St. Catharines Rowing Club over the years has received funding from the City of St. Catharines. In addition, the City, as is the case with Brockville and Kingston, has received donations which they have taken into revenue, issued municipal tax receipts and then provided a grant to the Rowing Club.

The relationship between the City and Club has been very close for many years and could be considered unique in that St. Catharines traditionally hosts the Royal Canadian Henley Regatta (Canadian championships) annually as well as other national and international meets.

City of London/London Rowing Club

The City of London does not financially support the London Rowing Club. However, the clubhouse is located on land owned by the Public Utilities Commission.

London has not received donations or issued Income Tax receipts on behalf of the London Rowing Club and are not contemplating such a procedure in the near future.

The London Rowing Club is independent of the municipality for financial, operational and capital purposes and at this time neither entity is considering any form of closer relationship.

City of Hamilton/Leander Boat Club

The only direct relationship between the City of Hamilton and Leander Boat Club consists of municipal funding for the cost of instructors for a rowing program. This rowing program is clearly within the municipal mandate and Leander operates the program providing the use of their equipment and facilities.

The clubhouse facility of Leander is located on land leased by Leander from the Hamilton Harbour Commission. As leased land it is subject to approximately \$8,600 property tax each year which we are collecting. To my knowledge, no attempt has been made by Leander to seek a Tax Exempt status. Furthermore, the City has not considered relief of taxes for Leander either through a grant or supporting such a Tax Exempt status as was done in the Brockville situation.

1992 October 2

Susan K. Reeder, Secretary
Finance and Administration Committee - Page 4

I am not aware whether Leander has attempted to obtain a Registered Charity designation so that they may issue income tax receipts for donations received. In the letter received on behalf of the Club, it is indicated that donations may be received by the Club through the Canadian Amateur Rowing Association. The donor in that case does receive an income tax receipt. I understand, however, that a portion of the donation (10%) is retained by the national association (for administration costs, etc.) before the balance (90%) is forwarded to the Boat Club and that the national association requires a role in overseeing the use of any funds so received.

SUMMARY:

Even though for purposes of the Income Tax Act, a municipality can accept donations and issue tax receipts, in this case, the donated funds (even though there is no legal requirement) would be earmarked for purposes of another organization, namely Leander Boat Club. They are therefore not being given for municipal purposes to be allocated by the City at its discretion.

Secondly, there is some concern that if the City initiates such a process for Leander Boat Club we may be inundated with requests from other organizations to provide a similar service for them.

The past City procedure, although not perfect in every respect, at least established ground rules including an on-going financial relationship between the City and the non-profit organization, if an organization were to "qualify" for receipt of funds donated to the City of Hamilton. On the basis of that procedure, it is not proposed that the City deviate from our accepted practice and receive donations and issue tax receipts on behalf of the Leander Boat Club. As noted in the letter from the Club, donations for Leander can obtain tax receipts through the Canadian Rowing Association (subject to satisfying their requirements for joint control of any funds donated).



ACR/an
Att'd

c.c. Alderman Don Ross
Alderman Ward 8



**CITY COUNCIL
HAMILTON, CANADA**

Alderman Don Ross

Chairman - Economic Development & Planning
Chairman - Finance & Administration

71 MAIN STREET WEST L8N 3T4 • (416) 546-2730 • RES: (416) 387-1842 - Ward 8

August 17, 1992.

TO: Allan C. Ross,
Treasurer.

FROM: Don Ross,
Alderman, Ward 8.

SUBJECT: LEANDER BOAT CLUB.

TREASURY	
1992 AUG 18	
ROUTE	REC'D
A.C.R.	
I.R.H.	
N.R.A.	
T.W.D.	
T.B.	
G.D.	
A.N.	

I am enclosing a copy of a letter from Dr. J. P. Morreale, in his capacity as Chairman of the Leander Boat Club.

This gentleman called me and has asked about the possibility of making available our Charitable Number for their Club.

It is also indicated in his letter that there are other municipalities ... such as: St. Catharines, Kingston and Brockville ... which have made similar arrangements.

Before going to Committee, would you get all the information about this by contacting each of the municipalities to find out:

- 1) How they go about doing it?
- 2) How we would, at the City of Hamilton, go about helping this Club out?

Don Ross,
Alderman, Ward 8.

DR:dd

Encl.

c.c. Dr. J. P. Morreale, 206 Main Street West, Hamilton, Ontario. L8P 1J3.

J. P. Morreale D. D. S. F. I. C. D.
206 Main St. W.,
HAMILTON, Ontario
L8P 1J3 522-2651
FAX Number - (416) 522-3773

RESTORATIVE DENTISTRY

August 4 , 1992

Mr. Don Ross
Alderman Ward 8
Alderman's Office
71 Main St. W.,
HAMILTON, Ontario
L8N 3T4

Dear Mr. Ross:

I am writing on behalf of the Leander Boat Club regarding use of the City of Hamilton's charitable number. The club has been in existence since 1925, and is the only such organization in the Hamilton area.

As I mentioned in our phone conversation in July, Leander is in the process of setting up a trust fund in the names of two of its most distinguished members, Paddy Cline and Claude Saunders. These two gentlemen have been involved in the sport of rowing for over fifty years. The establishment of this trust fund would help preserve and promote rowing in Hamilton, assist in the purchase of new equipment, and if necessary, build a new facility.

Currently Leander is obliged to give ten percent of all funds raised to the Canadian Amateur Rowing Association (CARA) in order for the donor to qualify for a tax receipt. The club does not mind this arrangement as it helps support the sport on a national basis. However, CARA now wants joint control of all our funds in trust. Our membership does not find this suitable, as we would like to control these funds ourselves. Therefore, we would need charitable status for this trust fund.

There have been other organizations which have shared the City's charitable number. The City of Hamilton has contributed to the Leander Boat Club in the past. It has purchased equipment and sponsored a recreational rowing program for the last four years. Other municipalities with rowing clubs, such as St. Catharines, Kingston and Brockville have made similar arrangements.

Dr. J. P. Morreale

Members of our Executive are willing to attend your committee meetings to explain our concerns and answer any questions which you may have. I hope that you will look favourably at our application, and I look forward to hearing from you soon.

Sincerely



Dr. J. P. Morreale

JPM/b

3.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 October 2

REPORT TO: Ms. Susan Reeder, Secretary
Finance and Administration Committee

FROM: Robert M. Morrow
Mayor

OCT 2 1992

SUBJECT: FUNDING: EDMUND C. BOVEY CLINIC AND
REGIONAL MEETING

RECOMMENDATION:

That approval be given for the hosting of an Edmund Bovey Clinic and Ontario Regional Meeting in Council Chambers, City Hall, on November 21 and 22, 1992;

That approval be given for a City contribution from the Civic Reception and Conventions Grants budget for hosting purposes in the amount of \$3,000 from account # CH 5531484010.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

- 1) There are sufficient funds in Account # CH 5531484010 (Civic Reception and Conventions Grants Budget) to accommodate this request for a \$3,000 grant.
- 2) Since the City will co-organize the Clinic and Regional Meeting with the Toronto staff of Arts and the Cities, staff time requirements will be met by the Department of Culture and Recreation.

BACKGROUND:

Named for a respected arts supporter, the late Edmund C. Bovey, Arts and the Cities' Clinics have been offered for the past two years in Ontario, Quebec, the Maritimes and the Western provinces.

The Clinics are designed to bring information on current arts issues to delegates from many cities within a region. Opportunities for discussion and the formulation of resolutions follow

the speakers' presentations.

The regional meetings assist with the development of inter-city networks, projects, and the sharing of expertise in municipal arts development.

The topic chosen for the Hamilton Clinic is "Funding for the Arts: Contemporary Directions". As the responsibility for and availability of funding for the arts continues to shift, the private sector and municipal governments will find increased pressure on them to assist, at a time when it is most difficult for them to do so. In order to ensure a healthy cultural present and future for our communities, it is important for us to discover creative ways to achieve this goal.

Union Gas Ltd. has indicated that it will consider our request to them for partial sponsorship of the Clinic.

Hamilton is a founding member of Arts and the Cities. We have been active participants through attendance at national colloquiums, clinics, regional meetings and through positions on the Board of Directors.

As a host city, Hamilton will be responsible for the provision of meeting space, hospitality, mailings, and recording of the proceedings. This is estimated not to exceed \$3,000.



Dominic Agostino

**Alderman — Ward 5
Regional Councillor**

City Hall, 71 Main Street West
Hamilton, Ontario L8N 3T4
Tel. 546-2730 • Res. 574-0179
Fax 546-2095



4.

1992 October 1st

MEMO TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Alderman D. Agostino

SUBJECT: Realty Tax Deferred Program

Would you please place the above-noted matter before the October 8th meeting of the Finance and Administration Committee.

Further to the discussion at the last meeting of the Committee on September 24th, I have met with Treasury staff with respect to a possible Land Tax Deferral Program, and feel that such a program would be beneficial to the Hamilton taxpayers.

Therefore, I will be recommending to the Finance and Administration Committee that the following resolution be forwarded to City Council for approval:

- "(a) That the City of Hamilton petition the Province of Ontario to consider adopting a Land Tax Deferral Program, similar to the program used by the City of Vancouver, in order to provide relief for those taxpayers experiencing financial difficulties, while still maintaining municipalities' necessary operating funds; and
- (b) That the Information report from the Treasurer dated 1992 September 18th be forwarded with the request to the Province; and
- (c) That the Association of Municipalities of Ontario be requested to support this petitioning."

DA/SKR/dbm

c.c. - A. Ross, Treasurer

CITY OF HAMILTON
- INFORMATION -

4a.

DATE: 1992 September 18

REPORT TO: Susan Reeder, Secretary
Finance and Administration Committee

FROM: Allan C. Ross
Treasurer

SUBJECT: REALTY TAX DEFERRED SCHEME

BACKGROUND:

At the Finance and Administration Committee meeting of August 20, 1992, the Treasury Department was requested to review alternatives to the present realty tax registration procedures utilized by the City of Hamilton and obtain information on a tax deferral program used by the City of Vancouver to assist taxpayers in keeping their realty taxes current.

The program used by the City of Vancouver, as indicated in the attached brochure, is a "Land Tax Deferral Program" which is operated and financed by the Provincial Government. Only the front end administration is performed by the City of Vancouver. There are approximately 100,000 residential properties in the City of which 900 properties are registered in the program.

The tax deferral plan applies to residential properties owned and occupied by senior citizens over the age of 60, widows, widowers and disabled persons who have lived in the Province for at least one year prior to application. The owner must have 25% equity in the property to qualify, and previous year's taxes, utilities, penalty and interest charges must be paid before an application will be considered. The Province provides a cheque for the amount of the annual taxes to the City and an agreement is registered on title. Interest on the deferred taxes is calculated by the Province from application date at a rate at least 2% below the bank prime rate and this rate is adjusted in April and October of each year. The realty taxes must be fully repaid:

- a) before title can be transferred to a new owner (other than the surviving spouse);
- b) upon death of the agreement holder when settlement is made through the estate; or
- c) upon loss of the minimum 25% owner equity in the home.

Received by FA 1992 Sept 24.
and Masters to determine with title & recommendations

BACKGROUND: - Cont'd.

There is no authority in the Municipal Act for the City of Hamilton to administer and finance a tax deferral program. Such a program, even with restrictions, could have a severe impact on cash flow and place the City in the position where it may be necessary to borrow to finance the accumulated deferred taxes receivable in order to provide operating funds. It should also be noted that the City has an obligation to make levy payments to the Region and the Boards of Education as provided by Legislation despite the fact that these taxes may not be collected for several years.

As noted in prior reports, there is already a significant amount of realty tax arrears under our existing procedures. It is important to note, however, that while the realty tax arrears are extremely high compared to previous years, most of these properties are redeemed upon registration. This suggests that taxpayers are frequently able to obtain necessary financing once the City takes serious action to recover the taxes owing. In the past 5 years the City has only sold 7 properties for tax arrears (2 owner occupied) although there have been a total of 293 properties registered. At the present time there are 148 registered properties of which 31 have passed the specified period and are now eligible for sale by the municipality.

Financing similar to this tax deferral could be obtained through the use of a reverse mortgage. Reverse mortgage schemes are currently available for qualifying individuals from banks and other financial institutions and are especially designed for seniors and other persons who have sufficient equity in their property and require assistance with their cash flow.

Any realty tax deferral program which could be implemented whereby the City would receive payment of the taxes levied on a current basis would be desirable. The City itself, however, does not have the financial capability to operate and finance such a program on a widespread basis. Many years ago the Province of Ontario implemented a tax deferral program with municipalities similar to the program used by the City of Vancouver, but on a much more limited scale. This program has now been repealed. The City of Hamilton currently provides an Elderly Citizens Tax Credit in the amount of \$75.00 per year. Prior to 1992, the Province of Ontario provided a Property Tax Grant of \$450.00 (maximum) and a Sales Tax Grant of \$50.00 for eligible seniors. For the taxation year 1992, these grants will be replaced by tax credits which will be claimed by seniors on their personal income tax returns.

If Committee and Council wish to support the establishment of such a program for Ontario, the City of Hamilton should request the Province of Ontario to consider adopting a similar tax deferral scheme which could provide relief for those taxpayers experiencing financial difficulties while maintaining municipalities' necessary operating funds. Support for this proposal would also be sought from the Association of Municipalities of Ontario. It must be noted, however, that the B.C. scheme would only provide assistance to taxpayers in specific circumstances (e.g. senior citizens, disabled persons), and would not be available to all taxpayers experiencing financial difficulties.

Susan Reeder, Secretary
Finance and Administration Committee
1992 September 18 - Page 3

BACKGROUND: - Cont'd.

To date staff have not been able to identify a viable alternative to present realty tax collection methods. Until such alternatives can be established, or other direction is received from Committee and Council, present realty tax collection practises, including tax registration procedures, will continue.

Allan C. Ross

Attachment
TWD:jc

What about interest charges?

The interest on your deferment account is:

- simple interest on deferred taxes only (interest is not charged on interest);
- set each six months by the Minister of Finance and Corporate Relations; and
- a rate which is at least two per cent below the prime rate at which the government borrows money.

How do I apply for tax deferment?

You can apply for tax deferment when you receive your property tax notice.

- Pick up an Application for Deferment of Property Taxes, available from your municipal or government agent office.
- Fill out and sign your Home Owner Grant application and tax deferment application.
- Return the completed applications to your municipal or government agent office for processing **before the**

property tax due date. These will be forwarded to the tax deferment office in Victoria. Receipt of your application for land tax deferment will be acknowledged by the tax deferment office.

If your application is approved, you will receive an Agreement for Deferment of Property Taxes.

- Complete, sign and return the agreement to the tax deferment office in Victoria. All registered owners of your home must sign the agreement.

When your agreement is approved in final, the tax deferment office will pay your current property taxes on your behalf to the municipal or government agent office.

You must apply for the Land Tax Deferment Program before December 31 of the year in which the taxes to be deferred are first billed.

Agreement renewals are not automatic. A renewal application will be sent to you in April of each new tax year along with your Annual Statement of Account.

Where do I get applications and more information?

Contact your **municipal office** or nearest **government agent office**, or the tax deferment office in Victoria:

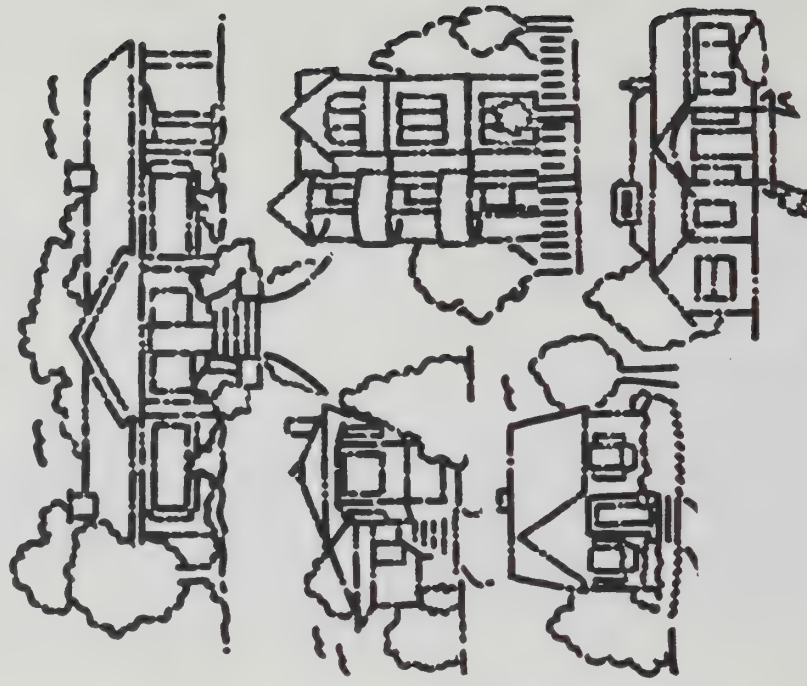
Ministry of Finance and Corporate Relations
Box 2900 1061 Fort Street
Victoria, British Columbia
V8W 3G4

or *Vancouver at*
873-7636

Telephone 387-0599

654

The Land Tax Deferment Program



Province of British Columbia
Ministry of Finance and Corporate Relations
Honourable Glen Claff, Minister

The Land Tax Deferment Program

The Land Tax Deferment Program is a property tax relief program that allows you to defer the payment of annual property taxes on your home if you are:

- 60 years or older; or
- a widow or widower; or
- a handicapped person as defined in the *Guaranteed Available Income for Need (GAIN) Act*;

and if you are:

- a Canadian citizen or landed immigrant who has lived in British Columbia for at least one year before applying for Land Tax Deferment Program benefits.

For more information on GAIN, you should contact your local government agent or your municipal collector.

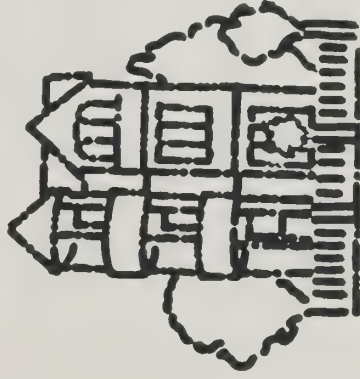
What types of homes qualify for tax deferment?

You can defer taxes on your home where you live and conduct your daily affairs for most of the year.



The property must be the one on which you would claim the Home Owner Grant.

Manufactured homes must be covered by a current fire insurance policy.



You must have a minimum equity in your home of 25 per cent of the assessed value, as determined by the British Columbia Assessment

Authority. This means your mortgage and any other charges registered against your property can be up to 75 per cent of the assessed value. Private property assessments are not accepted.

Separate rules apply for homes under long-term leases and homes located on lands reserved for the use and benefit of aboriginal peoples.

What homes do not qualify?

Second residences such as summer cottages or property you have rented out do **not** qualify for the Land Tax Deferment Program.

How much of my taxes can I defer?

After deducting the Home Owner Grant, you

your home's property taxes for the current year.

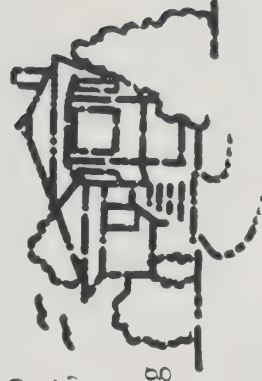
If you rent out part of your home, you can defer taxes only on the part in which you are living.

You'll have to pay all property taxes, penalties and interest from previous years before the tax deferment application can be considered. User fees and utility charges on your property tax notice cannot be deferred.

How long can I defer my property taxes?

The deferred taxes on your home must be fully repaid, with interest, to the tax deferment office:

- before your home can be legally transferred to a new owner, other than your surviving spouse; **or**
- upon the death of the agreement holder(s) (repayment is made through the estate); **or**
- upon loss of the minimum 25-per-cent owner equity in your home.



You may choose to repay all or any part of the deferred taxes and interest at any time

FINANCE AND ADMINISTRATION COMMITTEE

THURSDAY, 1992 OCTOBER 8TH

CONSENT AGENDA

A. MINUTES OF THE FINANCE AND ADMINISTRATION COMMITTEE

Minutes of the regular meeting held Thursday, 1992 September 24th and the special meeting held Tuesday, 1992 September 29th.

B. CITY CLERK

- (i) Lung Association Flag.
- (ii) Use of Council Chambers - Mayor's Race Relations Committee.
- (iii) Use of City Hall Meeting Rooms.

C. TREASURER

- (i) Funding - Expropriation of Part of 631 Rymal Road West from Russell and Muriel McCrory for roadway purposes.
- (ii) Funding - Acquisition of land required for roadway purposes - Gagliano Gardens Addition - Extension of Eaglewood Drive.
- (iii) Information - Status of Development Charge Funds.
- (iv) Request for Proposal - Insurance Consultants.
- (v) Appointment of Sales Tax Auditor.
- (vi) Public Library Lease - Central Library Insurance.

Thursday, 1992 September 24
9:30 o'clock a.m.
Room 233, City Hall

The Finance and Administration Committee met.

There were present: Alderman D. Ross, Chairperson
Alderman B. Charters, Vice-Chairperson
Mayor Robert M. Morrow
Alderman D. Drury
Alderman V. Agro
Alderman T. Cooke
Alderman T. Anderson
Alderman D. Agostino

A.

Regrets: Alderman G. Copps

Also present: Alderman W. McCulloch
Alderman H. Merling
Alderman D. Wilson
Alderman M. Kiss
Alderman B. Morelli
Alderman T. Jackson
Alderman F. D'Amico
Alderman F. Eisenberger
J. Pavelka, Chief Administrative Officer
A. Ross, Treasurer
D. Barkwell, Law Department
S. Hollowell, Acting City Clerk
P. Noé Johnson, City Solicitor
S. Dembe, Manager of Licencing
P. Lampman, Deputy Building Commissioner
J. Johnston, Commissioner of Human Resources
J. Hindson, Director of Information Systems
M. Watson, Property Department
B. Sugden, Director of Culture and Recreation
T. Daw, Treasury Department
D. King, Treasury Department
D. Powers, Law Department
D. Carson, Mayor's Office
R. Hammel, Treasury Department
P. Baker, General Manager, Parking Authority
J. Munroe, Human Resources Centre
G. Macaluso, Managing Director/Chief Executive Officer, H.E.C.F.I.
J. Leuser, H.E.C.F.I.
B. Calder, H.E.C.F.I.
Susan K. Reeder, Secretary

AGENDA

1. PRESENTATION

Hamilton Farmers' Market Sub-Committee.

Mr. Stan Hollowell of the City Clerk's Office spoke to the Committee with respect to the Hamilton Farmers' Market Sub-Committee. He covered areas with respect to the Sub-Committee's composition and mandate, as well as the structure and functions of the Hamilton Farmers' Market. Some questions then ensued about the present allocation of stalls and concerns of the Sub-Committee that present stallholders are assuming partners prior to leaving the Market. As a result of this practice, these stalls are not being opened up to new operators but rather continuations of previous stallholders.

The Committee then thanked Mr. Hollowell and agreed to receive this presentation for information purposes.

2. MAYOR ROBERT MORROW

The Chairperson advised the Committee that the Mayor had indicated he would be arriving later for the meeting and accordingly, the Committee agreed to defer the Mayor's Items until that time.

3. ALDERMAN D. AGOSTINO

Delegation - Mr. B. Edwards, Plumblin Sales Limited.

The Committee was in receipt of a report from the Treasurer dated 1992 August 13, respecting the above-noted matter.

Mr. Edwards, of Plumblin Sales Ltd. was in attendance and spoke to the Committee with respect to his concerns. He advised that he presently has a warehouse on Brockley Drive which consists of 9,000 square feet. He indicated that his previous location was a much smaller facility where he paid approximately \$2,300. in Business Taxes. He advised that as a result of the square footage and the fact that he is assessed as a wholesaler rather than a retailer, that he is taxed \$8,700. a year in Business Taxes. He summarized by indicating that because he does not have off-the-street business coming into his warehouse to purchase stock, that he is paying a much higher tax than a retailer would, and that he feels quite strongly that this is very unfair.

The Treasurer responded by indicating that taxation is determined on the basis of the Assessment Act which is controlled by the Province of Ontario.

Considerable discussion ensued on this matter by members of the Committee who agreed that this present practice under the Assessment Act is unfair.

The Committee then approved the following recommendation:

- (a) That the City of Hamilton petition the Provincial Government via the Provincial Treasurer and the Provincial Fair Tax Commission on the need to amend The Assessment Act in order to more equitably reflect assessment rates between wholesalers and retailers; and
- (b) That the Association of Municipalities of Ontario be requested to support this request.

As well as the above-noted recommendation, the Committee also directed that staff assist Mr. Edwards of Plumblin Sales Ltd., in appealing his assessment with the Regional Assessment Office and directed that the Chief Administrative Officer keep in touch with Mr. Edwards with respect to this matter.

4. ALDERMAN B. MORELLI

Establishment of a City of Hamilton Anti-Prostitution Task Force.

Alderman Morelli spoke with respect to a memorandum which he had sent to members of the Finance and Administrative Committee, regarding his request to receive approval to establish an Anti-Prostitution Task Force. He requested that this Task Force be established to apply to the entire City, not just to specific areas where the problem is more prevalent. He indicated that he will come back to the Committee with a membership composition and terms of reference.

The Committee then approved the following:

- (a) That Alderman B. Morelli be authorized to establish an Anti-Prostitution Task Force for the City of Hamilton;
- (b) That Alderman B. Morelli be appointed as Chair of that Task Force; and
- (c) That Alderman B. Morelli bring back terms of reference and membership composition of the Task Force to the Finance and Administration Committee for approval.

5. ALDERMAN V. AGRO

Delegation - Blue Line Taxi re: Flat Rates.

Alderman Agro referred to Mr. Haze, General Manager of Blue Line Taxi, who then spoke to the Committee with respect to their concerns that Veteran's Taxi were allowed to flat rate during the recent Earthsong Festival.

Alderman Agro then also expressed concerns at this event and asked for a verbal report from the Manager of Licencing who then responded with respect to this matter.

Following considerable discussion, it was agreed that the Manager of Licencing would report back for the 1992 October 8 meeting of the Committee on the written submission from Blue Line Taxi, respecting their concerns and the occurrences which happened as a result of flat rating by Veteran's Taxi.

10:00 O'CLOCK A.M. - DEVELOPMENT CHARGES COMPLAINT

6. Novel Environmental Advanced Technology (N.E.A.T.) Home - 2 Westlawn Drive.

The Committee was in receipt of a report from the Building Commissioner dated 1992 September 14, respecting the above-noted matter.

Mr. D. Condon, Executive Officer, Hamilton-Halton Home Builders' Association, was in attendance and spoke to the Committee with respect to their request for relief from the development charges. He indicated that this is a unique home construction for demonstration purposes and has involved many local groups and use of local supplies and labour. He summarized by indicating that as this is a home built for advertising-type purposes, that development charges should not apply.

The Deputy Building Commissioner responded by indicating that the Committee reviewed this complaint and made the recommendation within the report, since it was felt that the home at some point will be used for residential purposes and thus impact on the infra-structure.

The Committee then discussed this matter, and a motion was placed to reduce the recommended charges by 50% in the form of a grant. **MOTION LOST.**

The Committee then approved the following:

- (a) That after hearing the evidence and submission of the complainant, Hamilton-Halton Home Builders' Association, the Council of the Corporation of the City of Hamilton hereby confirms the development charges imposed on the property located at 2 Westlawn Drive have been properly imposed pursuant to the City Development Charges By-law 90-74.

- (b) That the Council of the City of Hamilton approve a modified deferred payment agreement as follows:
 - (i) That the owner enter into a deferred payment agreement respecting the development charges of \$1,723.20, and that the agreement be registered on the title of the property.
 - (ii) That an interest rate of zero per cent (0%) be charged on the deferred development charges.
 - (iii) That the development charge of \$1,723.20 become payable upon occupancy of the building.

7. CONSENT AGENDA

A. ADOPTION OF THE MINUTES OF THE FINANCE AND ADMINISTRATION COMMITTEE

Minutes of the Regular Meeting held Thursday, 1992 August 20th and minutes of the Special meeting held Tuesday, 1992 August 25th.

The Committee was in receipt of the above-noted minutes and approved them as circulated.

B. TREASURER

- (i) Funding - Proposed construction of independent concrete walk east side of Upper Sherman Avenue, approximately 35m north of Limeridge Road East to approximately 26m northerly.

The Committee was in receipt of a report from the Treasurer dated 1992 September 17, respecting the above-noted matter and approved the following:

That as referred to in Section 26 of the Tenth Report of the Transport and Environment Committee for 1992, the City Solicitor be authorized to make application to the Ontario Municipal Board for approval to construct an independent concrete sidewalk on the east side of Upper Sherman Avenue approximately 35m north of Limeridge Road East to approximately 26m northerly at an estimated gross cost of \$6,200. with a City's share of \$4,102.40 to be financed from 1992 Capital Levy and the balance of \$2,097.60, being the Owner's share, to be financed by the issuance of debenture for a period not to exceed 20 years. It is further recommended that application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the amount of \$2,097.60 for a term not to exceed 20 years for the above project.

- (ii) Information Report - Status of Hosting Receptions and Related Accounts.

The Committee was in receipt of an Information Report from the Treasurer dated 1992 September 15, respecting the above-noted matter and agreed to receive this document for information purposes.

- (iii) Information Report - Status of Unclassified Revenue and Expenditures as at 1992, August 31st.

The Committee was in receipt of an Information Report from the Treasurer dated 1992 September 16, respecting the above-noted matter and agreed to receive this document for information purposes.

- (iv) Post Audit Letter - Recommendations and Comments concerning Accounting Systems, Procedures and Controls for 1991.

The Committee was in receipt of an Information Report from the Treasurer dated 1992 September 18, respecting the above-noted matter and the Committee agreed to receive this document for information purposes.

C. CHIEF ADMINISTRATIVE OFFICER

- (i) Information Report - United Way Loan Program.

The Committee was in receipt of an Information Report from the Chief Administrative Officer dated 1992 August 18, respecting the United Way Loan Program which advised that the City's representative for 1992 is Ms. Debbie-Ann Rashford, Administrative Assistant of the Property Department. The Committee agreed to receive this document for information purposes.

- (ii) Information Report - Mr. Sam Floyd, Assessed Value, Condominium Units, 240 Quigley Road.

This matter was pulled from the Consent Agenda for further discussion at the end of the Regular Agenda.

D. CITY CLERK

Use of City Hall Facilities

- (i) Executive Council of Hamilton Neighbourhoods.

The Committee was in receipt of a report from the Acting City Clerk dated 1992 September 3, respecting the above-noted matter and approved the following:

That approval be given to the action taken by the Acting City Clerk in authorizing the Executive Council of Hamilton Neighbourhoods to use the Council Chambers on Thursday, 1992 September 10 from 7:00 - 9:00 p.m. for their September meeting.

- (ii) The Arthritis Society.

The Committee was in receipt of a report from the Acting City Clerk dated 1992 September 3, respecting the above-noted matter and approved the following:

- (a) That approval be given to the action taken by the Acting City Clerk in authorizing the following:

- (i) The use of the City Hall forecourt (or Council Chambers in the event of inclement weather) and related equipment by the Hamilton Branch of The Arthritis Society for the purpose of holding a ceremony proclaiming September "Arthritis Month".

- (ii) Flying of The Arthritis Society Flag at City Hall from Tuesday, 1992 September 8 to Wednesday, 1992 September 30.

- (b) That the City Clerk be authorized to approve of a similar use in future years, provided it does not interfere with any other event.

E. COMMISSIONER OF HUMAN RESOURCES**Appointments To and Terminations From Permanent Positions with the Corporation of the City of Hamilton to 1992 September 15.**

The Committee was in receipt of a report from the Commissioner of Human Resources dated 1992 September 15, respecting the above-noted matter and approved the following:

That the listing of Appointments To and Terminations From Permanent positions with the Corporation of the City of Hamilton to 1992 September 15, be approved.

F. MANAGER OF PURCHASING**(i) Replacement of Four (4) mid-size passenger vehicles, By-law Enforcement, Units Nos. 1305, 1306, 1347, 1367.**

This Item was pulled from the Agenda for discussion at the end of the Regular Agenda.

(ii) Replacement of Four (4) mid-size passenger vehicles, City Garage, Units Nos. 1388, 1308, 1342, 1344.

The Committee was in receipt of a report from the Manager of Purchasing dated 1992 September 8, respecting the above-noted matter and approved the following:

That a purchase order be issued to Queenston Chev-Olds, Hamilton, in the amount of \$69,713.80 including all taxes, for the replacement of four (4) mid-size passenger vehicles Nos. 1388, 1308, 1342 and 1344 for the City Garage, being the lowest of seven tenders received in accordance with specifications issued by the Manager of Purchasing and Vendor's tender and that this expenditure be financed through Replacement of Motorized Equipment Account No. CH5X503 00101.

(iii) Replacement of One (1) articulating wheel loader, Unit #9509, Fleet Services.

The Committee was in receipt of a report from the Manager of Purchasing dated 1992 September 8, respecting the above-noted matter and approved the following:

That a purchase order be issued to Case Power & Equipment, Grimsby, in the amount of \$88,838.65 including all taxes for the replacement of One (1) Articulating Wheel Loader Unit No. 9509 for Fleet Services, being the lowest acceptable of four tenders received in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed through Reserve for Replacement of Mobile Equipment Account No. CH5X503 00101.

- (iv) Replacement of Three (3) 1/2 ton pickup trucks, Unit Nos. 9300, 9332, 9349 and Purchase of Two (2) 1/2 ton pickup trucks, Fleet Services.

The Committee was in receipt of a report from the Manager of Purchasing dated 1992 September 9, respecting the above-noted matter and approved the following:

That a purchase order be issued to Taylor Chrysler Dodge, Hamilton, in the amount of \$80,845. including all taxes for the replacement of Three (3) 1/2 ton Pickup Trucks Unit Nos. 9300, 9332, 9349 and the purchase of Two (2) 1/2 ton Pickup Trucks for Fleet Services, being the lowest of seven tenders received in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed through Reserve for Replacement of Mobile Equipment Account No. CH5X503 00101.

8. TREASURER

- (a) Appointment of an External Auditor.

The Committee was in receipt of a report from the Treasurer dated 1992 September 16, respecting the above-noted matter and approved the following:

- (a) That the City Treasurer be directed to prepare a "Proposal Call for Auditors" for a five-year term starting with fiscal year 1993 for auditing services for the City of Hamilton, including its local Boards, Hamilton Entertainment and Convention Facilities Inc., Hamilton Hydro Electric System and all of the Boards of Management for the Business Improvement Areas within the City of Hamilton in relation to the City's Financial Reports of 1993, 1994, 1995, 1996 and 1997; and

- (b) That the City Treasurer be authorized to advertise in The Hamilton Spectator for the "Proposal Call for Auditors".

- (b) Information Report - City of Hamilton - Primary and Excess Liability Insurance Coverage and Liability Insurance Requirements for Community User Groups.

The Committee was in receipt of an Information Report from the Treasurer dated 1992 September 18, respecting the above-noted matter and agreed to receive this document for information purposes.

- (c) Penalty and Interest charged on Outstanding Taxes.

The Committee was in receipt of a report from the Treasurer dated 1992 September 16, respecting the above-noted matter. The Committee agreed to approve the following:

That the Treasurer be requested, as part of the 1993 Current Budget deliberations, to review the impact of a reduction in the current penalty and interest rate of 15% per annum charged on outstanding tax arrears and report back to the Finance and Administration Committee.

(d) Information Report - Realty Tax Deferral Scheme.

The Committee was in receipt of an Information Report from the Treasurer dated 1992 September 18, respecting the above-noted matter.

Some discussion ensued on this report and it was agreed that the Committee would receive this document for information purposes, and that Alderman Agostino would be meeting with staff to further review the alternatives listed within the Information Report for the purpose of coming back to the Committee with some specific recommendations.

(e) Disposition of 1992 Cari-Can Grant Funds.

The Committee was in receipt of a report from the Grants Co-Ordinator dated 1992 September 14, respecting the above-noted matter and approved the following:

- (a) That the Cari-Can Organization be requested to account for the 1992 grant funds which were paid out to them in May in the amount of \$6,750.55 and that any unused portion of this amount which has not been used to pay for start-up expenditures for the 1992 Cari-Can Festival be immediately repaid to the City of Hamilton; and
- (b) That the amount of \$5,000. which has been held back to offset anticipated City of Hamilton charges for the 1992 Cari-Can Festival remain within the grants budget as a surplus.

9. PROPERTY/TAXATION PROJECT STEERING COMMITTEE

Implementation of a monthly automatic Tax Payment Plan effective 1993 January 1 and status of the main property taxation

The Committee was in receipt of a report from the Property/Taxation Project Steering Committee dated 1992 September 17, respecting the above-noted matter and approved the following:

- (a) That effective 1993 January 1, the Optional Monthly Automatic Tax Payment Plan be implemented for commercial and industrial assessed properties for the payment of 1993 Realty Taxes.
- (b) That the Treasurer be authorized to proceed with the proposed public information and publicity campaign for the Monthly Automatic Payment Plan.
- (c) That the services of one contract or temporary Database Systems Analyst and three contract or temporary Database/CSP Programmers be obtained to program the replacement Property/Tax system for periods not to exceed 18 months. Funding is to be provided from Account # CH 55434-25415.
- (d) That the Director of Information Systems and the City Solicitor be authorized to develop a draft Policy for consideration by Committee and Council pertaining to the distribution and/or potential sale to third parties (including other Municipalities) of Computer Business, Process and Data Models, and software as developed by the City of Hamilton.

The Committee also approved Bill H-61 - A By-law to amend Municipal Tax Levy By-law No. 71-69, respecting Optional Pre-authorized Realty Tax Payments.

10. COMMISSIONER OF HUMAN RESOURCES(a) Salary Classification - Co-Ordinator of Senior's Services and Food Services, Culture and Recreation Department.

The Committee was in receipt of a report from the Commissioner of Human Resources dated 1992 August 28, respecting the above-noted matter and following some discussion on this by members of the Committee, the following recommendation was approved:

That the following salary classifications be approved:

<u>Position Title</u>	<u>Function</u>	<u>Grade</u>	<u>Salary</u>
Co-ordinator of Senior's Services & Food Services	Manages the Sackville Hill Senior's Centre and co-ordinates the provision of senior's services with outside agencies. Manages the provision of food services for the Department.	K	\$47,412.56 - \$55,811.08 per annum

(b) Salary Classification - School Crossing Supervisor, Traffic Department.

The Committee was in receipt of a report from the Commissioner of Human Resources dated 1992 August 26, respecting the above-noted matter and approved the following:

<u>Position Title</u>	<u>Function</u>	<u>Grade</u>	<u>Salary</u>
School Crossing Supervisor	Supervises the day to day operations of the School Crossing Program. Provides technical and administrative support to the School Crossing Program.	O	\$34,001.76 - \$39,962.52 per annum

(c) Salary Classification - Conservator, Department of Culture and Recreation.

The Committee was in receipt of a report from the Commissioner of Human Resources dated 1992 September 15, respecting the above-noted matter and following some discussion it was agreed to approve this four (4) year contract as follows:

That the following salary classification for a four (4) year contract position be approved:

<u>Position Title</u>	<u>Function</u>	<u>Grade</u>	<u>Salary</u>
Conservator	Provides conservation and preservation maintenance for museum artifacts, historical buildings and municipal public art and monuments.	M	\$40,640.60 - \$47,819.20 per annum

Funding for this position will be 100% funded by the Federal Department of Communications (Conservation Assistance Program) for year one. Grant funding for years two, three and four are 75%, 50% and 25% respectively. The balance to be funded from within the Department of Culture and Recreation's approved budgets.

(d) Child Care Task Force.

The Committee was in receipt of a report from the Commissioner of Human Resources dated 1992 September 16, respecting the above-noted matter.

Some discussion ensued with respect to this Task Force report and the Committee approved the following:

- (a) That the Council of the Corporation of the City of Hamilton adopt the following mission statement as it pertains to Child Care:

"The Corporation of the City of Hamilton recognizes its employees as both productive members of the Corporation and responsible members of their families and communities and acknowledges the importance of assisting them in balancing work and family responsibilities. This commitment shall be reflected through the implementation of policies, procedures and programs."

- (b) That the development and implementation of policies, procedures and programs be reviewed by staff, the unions and Human Resources on an ongoing basis and amended as necessary.
- (c) That the Child Care Task Force prepare and submit to both City and Region Senior Management Teams and Union Presidents a report outlining various alternative working arrangements.
- (d) That employees, unions, and management be encouraged to accommodate alternative working arrangements.
- (e) That unions and management bring forward the following items in the next set of negotiations for mutual discussion:
- (i) job sharing - two employees voluntarily share one full-time position
 - (ii) "family emergency" leave of absence - a leave of absence without pay for the purpose of attending to a family crisis, not to exceed five days per year; leave application can be made by telephone to a direct supervisor/manager; employees shall be offered the opportunity to make up lost time (wages) in straight time, i.e. no overtime.

- (iii) maternity leave top-up - employees on maternity leave are given supplement to unemployment insurance benefits; the supplement is the difference between 75% of regular earnings and the sum of weekly U.I. benefits; maximum period of receipt is fifteen (15) weeks.
- (iv) vacation entitlement - that vacations granted in any year shall be determined on the basis of aggregate credited service and such service is to include maternity/parental leave whether paid or unpaid.
- (f) That, in the interim, a Sub-committee be struck to include representation from CUPE Local 167 and Task Force members to discuss supporting and implementing job sharing.
- (g) That in the future, consideration be given to accommodating a Child Care Centre when any new City building is purchased or constructed.
- (h) That the Task Force prepare and forward a report to the Manager, of the Real Estate Division, Property Department on the feasibility of implementing a Child Care Centre.
- (i) That the Child Care Task Force continue to meet to complete the above tasks and that Council direction be given to representatives from the Department of Culture and Recreation, the Hamilton Public Library, the Department of Public Health and the Department of Social Services to assist in the compilation of an information brochure and the development of in-house service programs.

The above noted recommendation will also be considered by the Regional Administrative Services Committee and Regional Council.

11. LICENSING COMMITTEE

(a) Break-open Ticket Lotteries - Third Party Locations.

The Committee was in receipt of a report from the Secretary of the City of Hamilton Licencing Committee dated 1992 September 11, respecting the above-noted matter.

Alderman Cooke declared a possible interest in this matter as he is an employee of the March of Dimes.

The Committee approved the following:

- (a) That approval be given to the sale of Break-Open Tickets from Third Party Locations on a permanent basis, subject to the Terms and Conditions which applied to the 6-month trial period.
- (b) That the issuance of Break-Open Ticket licences for the list of charitable organizations be approved until 1992 December 31.

(b) Provincial Discussion Paper (2nd Draft) - Lottery Licence Terms and Conditions.

The Committee was in receipt of a report from the Secretary of the City of Hamilton Licencing Committee dated 1992 September 11, respecting the above-noted matter and approved the following:

That the Second Draft of the Discussion Paper on Lottery Licence Terms and Conditions circulated to municipalities by the Ministry of Consumer and Commercial Relations, respecting the framework for new Terms and Conditions under which charitable organizations may conduct various lottery schemes, be endorsed.

12. TAXI ADVISORY COMMITTEE

Regionalization of the Taxi Industry.

The Committee was in receipt of a report from the Secretary of the Taxi Advisory Committee dated 1992 September 16, respecting the above-noted matter.

The Committee approved the recommendation of the Taxi Advisory Committee to **NOT ENDORSE** the following resolution:

"That the resolution of the Regional Municipality of Hamilton-Wentworth that the Region request the Councils of all area municipalities to prepare agreements with each other and offer to co-ordinate the preparation of an agreement between the various area municipalities to provide reciprocal privileges in their respective by-laws to enable comprehensive taxi service throughout the Region **NOT BE ENDORSED.**"

In accordance with City policy, this negative recommendation was not referred to City Council.

Further, with respect to the Regionalization of the Taxi Industry, the Committee approved the following:

That the Regional Municipality of Hamilton-Wentworth be requested to co-ordinate the preparation of an Agreement between the various area municipalities permitting taxicabs to pick up passengers in one municipality and deliver into another municipality.

13. TASK FORCE TO REVIEW THE CIVIC AWARDS PROGRAMME

Report - Secretary, Task Force to Review the Civic Awards Programme

The Committee was in receipt of a memorandum from the Secretary of the Task Force to Review the Civic Awards Programme, advising that the Civic Awards recommendations before the Committee are there as a result of the Civic Awards Task Force deciding that applications made prior to Council putting a hold on Awards should not be affected by this decision.

14. CITY CLERK(a) Civic Awards(i) Hamilton Hoppers Skipping Club

The Committee was in receipt of a report from the Acting City Clerk dated 1992 August 11, respecting the above-noted matter and approved the following:

- (a) That Section 5(a) of the Fifteenth Report of the Finance and Administration Committee for 1992 which was adopted by City Council on 1992 July 28 respecting Civic Awards for members of the Hamilton Hoppers Skipping Team be amended to change "civic silver pins" to "civic gold pins"; and,
- (b) That Section 5(b) of the Fifteenth Report of the Finance and Administration Committee for 1992 which was adopted by City Council on 1992 July 28 respecting Civic Awards for members of the Hamilton Hoppers Skipping Team be amended to change "civic silver rings" to "civic gold rings".

(ii) Hamilton-Wentworth Aquatic Club

The Committee was in receipt of a report from the Acting City Clerk dated 1992 August 11, respecting the above-noted matter and approved the following:

That civic gold pins be awarded to the following members of the Hamilton-Wentworth Aquatic Club for winning the 1992 Provincial Age Group Championship:

Julia Berglund	Marcus Montgomery
Steve Caswell	Cody Osmon
Shannon Clark	Jackie Oliveira
Kristin Hozjan	Jennifer Scott
Andrea Jenkins	Diana Staples
Megan Jones	Virginia Stonehouse
Julie Kecskemeti	Sheryl Turnbull
Goran Marjanovic	

(iii) Hamilton Synchronized Swimming Team

The Committee was in receipt of a report from the Acting City Clerk dated 1992 August 11, respecting the above-noted matter and approved the following:

That civic gold pins be awarded to Andrea Cosentino and Heather Gowan of the Hamilton Synchronized Swim Club for winning the 1992 Synchronized Swimming Age Group Provincial Championships held in Etobicoke, Ontario from 1992 May 7 - 9.

(iv) Hamilton and District Five Pin Bowlers Association

The Committee was in receipt of a report from the Acting City Clerk dated 1992 September 9, respecting the above-noted matter and approved the following:

That the following civic awards be presented to members of the Hamilton and District Five Pin Bowling Association for winning the Masters Five Pin Provincial Championships and the Canadian Masters Five Pin Championship:

Michael Bates	-	Diamond Insert
Brenda Campbell	-	Civic Gold Pin, Civic Gold Ring
Stephanie Tuck	-	Diamond Insert
Rob Ward (Coach)	-	Civic Gold Ring

(b) Prohibiting Solicitation at Accident Scenes - Tow Trucks.

The Committee was in receipt of a report from the City Clerk dated 1992 September 17, respecting the above-noted matter and approved the following:

- (a) That the Ministry of Transportation and Communication be requested to amend the Highway Traffic Act to prohibit solicitation at the scenes of accidents,
- (b) That the Association of Municipalities of Ontario be requested to support this request,
- (c) That the Police Services Board of the Regional Municipality of Hamilton-Wentworth, be advised of this action.

15. ADVISORY COMMITTEE ON EQUITABLE REPRESENTATION ON COMMITTEES/BOARDS/COMMISSIONS

Process for appointing members to Committees/Boards/Commissions.

The Committee was in receipt of a report from the Secretary of the Advisory Committee on Equitable Representation on Committees/Boards/Commissions dated 1992 September 17, respecting the above-noted matter.

Considerable discussion ensued with respect to the various recommendations contained within the report.

Concern was expressed at the recommended composition of the Selection Committee and Alderman Agostino, Chairperson of the Advisory Committee on Equitable Representation on Committees/Boards/Commissions, recommended that amendments be made to that whereby the Selection Committee consist of a minimum of three (3) and a maximum of five (5) voting members, and that one member of the Advisory Committee on Equitable Representation and one member of the applicable Committee with vacancies serve as resource persons only without votes.

Concern was also expressed at the recommendation whereby it is indicated that "(k) that the Advisory Committee on Equitable Representation on Committees/Boards/Commissions develop a backup/supplementary list of applicants to be utilized to fill vacancies created by resignations, until the expiration of the term of the individual(s) resigning, thus eliminating the need to invite further interviews of applicants. It was agreed that this section would be deleted from the recommendations.

It was also expressed that the recommendations with respect to the Selection Committee refer to a rotation every six months of those members, and it was agreed that this was too short a period and that it should be extended to a yearly rotation.

Accordingly, the Committee approved the following:

- (a) That a brochure be designed for circulation to members of the public interested in applying to City Committees, Local Boards and Commissions;
- (b) That the City Clerk's Department be directed to advertise in various media, including ethnic media, a list of which will be provided by the Advisory Committee on Equitable Representation on Committees/Boards/Commissions;
- (c) That all Committees/Boards/Commissions be advised of vacancies when they arise;
- (d) That ethno-cultural communities, organizations representing the disabled, the Native Indian Centre, women's groups, and all other organizations or individuals upon request, be notified of vacancies on Committees/ Boards/Commissions;
- (e) That the City Clerk's Department be encouraged to participate in free media advertising available including the cable network (particularly on ethnic programs) and ethnic radio broadcasts to encourage people to apply;
- (f) That all notices of meetings be circulated to the media.
- (g) That all Committees/Boards/Commissions be encouraged to hold some meetings in various facilities outside of City Hall and invite persons of those neighbourhoods to attend;
- (h) That members who miss three consecutive meetings without committee approval be subject to replacement on that committee;
- (i) That membership to all Committees/Boards/Commissions be staggered with 1/3 of its membership's terms of office expiring each year unless the terms of office are established by provincial or federal legislation;
- (j) That membership on Committees/Boards/Commissions be limited to two (2) consecutive Committee/Boards/Commission terms unless the terms of office are established by provincial or federal legislation;
- (k) That the Tracking Form and Application Form, be adopted for use by members of the public interested in applying to Committees/Boards/Commissions;

- (1) That the following process for applying, interviewing and selecting applicants to Committees/Boards/Commissions be adopted:

- (i) An Application Form and Tracking Form may be obtained from the City Clerk's Department and the completed form(s) returned to the City Clerk's Department;
- (ii) Applicants must attend a mandatory Orientation Session, the purpose of which will be to describe the work of the various Committees/ Boards/ Commissions. The Committees/Boards/Commissions will be required to:
- (1.) provide written material outlining the scope of their Committee/Board/Commission, the time commitment required and the qualifications necessary;
 - (2.) arrange for a representative of that Committee/Board/Commission to attend the Orientation Session to answer any questions applicants may have;

Applicants will be offered a choice of at least three (3) dates for the Orientation Session from which they must select one;

All applicants will be required to attend unless they are applying for renewal of their present appointment. Applicants who do not attend one of the offered Sessions will not be considered for appointment.

The sessions will be co-ordinated by the City Clerk's Department, the Human Resources Centre and the Selection Committee;

- (iii) A Selection Committee will be struck by City Council, the mandate of which will be to:
- (1.) co-ordinate with assistance from the City Clerk's Department the Orientation Sessions;
 - (2.) review applications to the Committees/Boards/Commissions;
 - (3.) interview candidates;
 - (4.) make recommendations for selection to the Standing Committee of City Council to which the Committee/Board/Commission reports.

The Selection Committee will consist of:

- (5.) a minimum of three (3) and a maximum of five (5) members of City Council
- (6.) one member of the Advisory Committee on Equitable Representation on Committees/Boards/Commissions to serve as a non-voting resource person

- (7.) one member of the Committee/Board/Commission to which the vacancy applies to serve as a non-voting resource person

Members of the Selection Committee will be rotated every twelve (12) months. A schedule will be established for members of City Council, the Advisory Committee on Equitable Representation on Committees/ Boards/Commissions, and the applicable Committee/Board/ Commission.

- (iv) The interviews:

The allotted time for each interview will be approximately ten minutes.

All candidates who attend the Orientation Session will be interviewed.

An established set of interview questions will be developed by the Selection Committee and will be asked of all candidates.

All candidates will be notified in writing once the selection has been approved by City Council.

- (m) That an Equitable Representation Survey be conducted by the Human Resources Centre every three years and that the first Survey be carried out in 1992;
- (n) That this process commence with those applicants being appointed for terms commencing at the end of 1992.

Note: Alderman Agro opposed.

17. RESOLUTIONS

- (a) City of Guelph - resolution regarding the protection of the Wildlife Community with respect to preparation work to be done at development sites.

The Committee was in receipt of correspondence from the City of Guelph respecting the above-noted resolution, and the Committee agreed to receive this resolution as follows:

That the following resolution from the City of Guelph regarding the protection of the wildlife community with respect to preparation work to be done at development sites be received:

"WHEREAS Government needs to demonstrate leadership in the concern for the state of the earth;

AND WHEREAS development often results in the disturbance of natural habitats;

NOW THEREFORE BE IT RESOLVED THAT Guelph City Council petition the Ontario Government for the appropriate enabling legislation to prevent any site preparation work such as clearing, top soil stripping, or grading of lands prior to receiving appropriate planning approvals;

AND THAT the resolution be circulated to the Sewell Commission and municipalities having a population over 50,000 for endorsement".

(b) City of Windsor - Enhanced 911 Telephone Emergency System.

The Committee was in receipt of correspondence from the City of Windsor respecting a resolution on the above-noted matter, and the Committee agreed to receive this resolution as follows:

That the following resolution from the City of Windsor respecting Enhanced 911 Telephone Emergency System be received:

"WHEREAS there is a widely held awareness of the usefulness, along with clearly demonstrated public safety benefits of the 911 telephone emergency dialing assistance to those in need of urgent ambulance, fire and police response and support; and

WHEREAS the Canadian Radio-Television, Telecommunications Commission (CRTC) is expected this autumn, to receive submissions from Bell Canada with regard to a proposal to implement subscriber billing for the operating costs of the enhanced 911 telephone emergency system; and

WHEREAS there are many areas in our Province without a 911 telephone emergency system or are without an enhanced version of the 911 telephone emergency system, and in particular the ambulance, fire and police emergency services along with the people of the City of Windsor do not have the benefit of the enhanced system, and further, the municipalities in the rest of this County do not have a 911 telephone emergency system at all; and

WHEREAS it has been clearly demonstrated that the enhanced version of the 911 telephone emergency system is far superior with an excellent and instant method of automatically pinpointing the exact location of the person calling in need of emergency assistance,

THEREFORE BE IT RESOLVED that the CRTC be urged to receive submission as soon as possible, deliberate swiftly and without delay issue appropriate findings regarding a subscriber billing plan for implementation of the enhanced 911 telephone emergency system which will improve the safety and benefit of the people of our Province and further, that the Government of the Province of Ontario and its Ministries, the municipalities of the Province, ambulance, fire and police agencies and their respective organization groups, along with any other agency, body or individual who has interest in this matter also be urged to present their views and support of this proposal to the CRTC and further, a copy of this resolution be forwarded to the Ontario Association of Police Service Boards for distribution to the other Police Services Boards in Ontario and that it be recommended that their Executive favourably consider a presentation to the CRTC and further, this resolution be forwarded to the Association of Municipalities of Ontario 1992 Annual Meeting for their urgent support".

18. DIRECTOR OF PROPERTY**Agreement of Purchase and Sale of lands owned by Canadian National Railway Company on the east side of Ferguson Avenue North.**

The Committee was in receipt of a report from the Director of Property dated 1992 September 2, respecting the above-noted matter and the Committee approved the following:

- (a) That an Agreement of Purchase and Sale prepared by the Canadian National Railway Company and scheduled to close on or before 1992 November 20, for the purchase by the City of those lands situated in the Regional Municipality of Hamilton-Wentworth, in the City of Hamilton, having a frontage along the easterly road limit of Ferguson Avenue North of 26.20 metres (85.97 feet) more or less, by a depth of 50.81 metres (166.7 feet) more or less, being irregular in shape and comprising a total area of 1,331.361 square metres (14,331.12 square feet) more or less, and lying directly north of the property known municipally as 302 Ferguson Avenue North, be approved and completed and the purchase price of \$65,000. be charged to Account Centre 00102 (Reserve for Property Purchases).
- (b) That as consideration in the amount of \$2.00 is to be paid to the owner as deposit, this amount be deducted from the purchase price.
- (c) That the City agrees to pay, on closing, all of the Vendor's costs of the Reference Plan/Survey.
- (d) That the City agrees within 365 days of this purchase to construct a 6 foot high fence at the request of the Canadian National Railway Company where the lands to be purchased abut exposed track.
- (e) That the Mayor and City Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the City Solicitor.

2. MAYOR ROBERT MORROW**ADDED**

The Mayor provided an up-date for the Committee with respect to the recent restructuring of Stelco and the various assistance that is being pursued with respect to the resulting layoffs.

(a) 1992 South Central Ontario Municipal Conference "Learning Together".

The Committee was in receipt of a recommendation from the Mayor, respecting the hosting of a reception for the above-noted Conference.

Considerable discussion ensued on the location of this Conference and the Committee approved:

- (a) That the City of Hamilton host a reception for 325 delegates who will be attending the 1992 South Central Ontario Municipal Conference "Learning Together", sponsored by the Ontario Ministry of Municipal Affairs, Community Development Branch; and

- (b) That this reception be hosted at the Royal Connaught Hotel at a cost not to exceed \$3,900. Funds are available in the Special Receptions and Dignitaries Hosting Account #CH55314 84010.

Note: Alderman Charters opposed.

(b) Reception for Famous People Players.

The Committee was in receipt of a report from the Mayor dated 1992 September 14, respecting the above-noted reception and approved the following:

- (a) That the City of Hamilton host a reception for the Famous People Players at Hamilton Place, following their performance on Tuesday, 1992 September 29th; and
- (b) That the cost for this reception not exceed \$750. Funds are available in the Special Receptions and Dignitaries Hosting Account #CH55314 84010.

(c) Twinning - Monterrey, Mexico. (no copy)

The Mayor spoke to the Committee with respect to the possibility of Twinning with Monterrey, Mexico. He advised that this is a northern industrial centre in Mexico and that he has been approached on a number of occasions on the feasibility of the City of Hamilton pursuing Twinning possibilities with them. The Mayor indicated that this would coincide with the North American Free Trade negotiations if they pursue the request for Twinning.

Following further discussion on this matter, it was agreed that this possibility be referred to the Mundialization Committee for consideration.

ADDED - MAYOR'S VEHICLE

Mayor Morrow spoke to the Committee with respect to the present arrangements for his transportation where he is driving his own vehicle. He indicated that he feels that while the Mayor's Office should have a vehicle at its disposal, he has found that in his own personal instance, that he would prefer to maintain his current practice of using his own vehicle. He advised that he does not want to adversely affect the staff involved and would ask to have this position maintained on the records, but that he will continue to use his own vehicle and requested approval for claiming expenses.

Considerable discussion ensued on this matter with various members clarifying that they never questioned the Mayor's need for a chauffeur driven car, but rather questioned a particular appropriateness of a specific instance where a City vehicle was used.

Following this discussion, it was agreed that this matter would be tabled until the next meeting of the Committee (October 8), in order to allow staff an opportunity to provide a cost-saving analyst for this matter.

Note: Alderman Charters and Alderman Ross opposed.

19. H.E.C.F.I.Copps Coliseum - Sale and Service of Liquor in Arena Seating area.

The Committee was in receipt of a report from the Acting Board Secretary from H.E.C.F.I., respecting Copps Coliseum - Sale and Service of Liquor in Arena Seating area.

The Committee discussed this matter at great length and following this discussion the Committee agreed NOT to approve the following recommendation:

That H.E.C.F.I. formally request City Council to pass a municipal resolution which will accompany H.E.C.F.I.'s L.L.B.O. application for the sale of liquor in the tiered seating area of Copps Coliseum.

20. PARKING AUTHORITY(a) Lease of Theatre Aquarius Carpark Property.

The Committee was in receipt of a recommendation from the General Manager of the Parking Authority dated 1992 September 17, respecting the above-noted matter.

It was indicated to the Committee that the Law Department was recommending a more detailed recommendation outlining the various aspects of this recommendation and a copy of this recommendation was circularized to the Committee members.

Accordingly, the Committee approved the following:

That the City of Hamilton lease the parking lot owned by Theatre Aquarius Inc. beside The duMaurier Ltd. Centre for a Hamilton Parking Authority lot on the following terms:

- (a) That an initial minimum term commencing 1992 October 14, or the date of execution of the Lease - whichever is later, continuing to 1994 November 30.
- (b) That rent payable by the City to Theatre Aquarius Inc. during the initial Lease term and any renewal shall be:
 - (i) fifty per cent (50%) of net revenue realized by the Hamilton Parking authority during the preceding calendar year (or part thereof, as the case may be), provided the minimum rent payable shall be not less than \$10,000. per year. Such rent shall be paid to Theatre Aquarius Inc. within sixty days of the end of each calendar year.

"Net revenue" is the gross revenue received from the operation of the parking lot after deducting related Parking Authority operating expenses including taxes, utilities, labour, repairs and insurance.

- (ii) issuance - at 50% of cost, monthly day passes requested by Theatre Aquarius Inc.; - at no cost, monthly day passes to Theatre Aquarius Inc. staff and 24 hour passes to the Executive Director and to the Production Director.
- (c) That Theatre Aquarius Inc. pay hydro power charges. The Parking Authority shall maintain and operate the parking lot, including payment of business and realty taxes.
- (d) That the City shall have an option to renew the Lease upon the same terms, from 1994 December 1, until 1997 September 30, subject to Ontario Municipal Board approval. During the initial Lease term, the City shall apply for this approval from the Ontario Municipal Board for the Lease renewal.
- (e) That the City shall have further option to renew the Lease from 1997 October 1, for an additional five-years on the same terms, subject to Ontario Municipal Board approval and subject to the right of Theatre Aquarius Inc. to terminate the Lease during this renewal period, if the property is required by Theatre Aquarius Inc. for purposes other than the parking of cars.
- (f) That the Mayor and the City Clerk be authorized to execute the Lease in a form satisfactory to the City Solicitor.
- (g) That the City Solicitor be authorized to apply for Ontario Municipal Board approval to renew the Lease from 1993 November 1 to 1997 September 30.

(b) Lease of Lands from Ontario Hydro for Parking.

The Committee was in receipt of a recommendation from the General Manager of the Parking Authority dated 1992 September 17, respecting the above-noted matter and the Committee approved the following:

That the City lease for parking purposes .184 acres of land located at the corner of Birch and Harvey Streets belonging to Ontario Hydro for a five year period at a rate of \$2,040. per annum (which includes adjacent land presently leased from Ontario Hydro for the same purpose).

22. OTHER BUSINESS

ADDED - PROPOSED SALE OF HAMILTON AUTHORITY CARPARK TO BASS CONSTRUCTION FOR HOUSING

Alderman Agro spoke to the Committee with respect to the above-noted matter and the Committee was circularized with an Information Report from the General Manager of the Parking Authority respecting this issue.

It was indicated to the Committee that in order to assist in the possible sale of this land to Bass Construction for housing that the Committee authorize a dual action in this regard.

Accordingly, the Committee approved the following:

That the Parking Authority be authorized to take the dual action of offering a surplus-declared carpark located at 90 Kinrade Avenue (land bounded by Kinrade on the east and Chestnut on the west) for sale to Civic departments and at the same time for sale to the Public.

7. CONSENT AGENDA (ITEMS REMOVED FOR DISCUSSION)

C. CHIEF ADMINISTRATIVE OFFICER

- (ii) Information Report - Mr. Sam Floyd, Assessed Value, Condominium Units, 240 Quigley Road.

Alderman Agro expressed concern that this matter was placed on the Consent Agenda rather than on the Regular Agenda as this issue was one that had been considered and referred to staff by the Committee.

Following that some discussion ensued with respect to the outcome of this matter. The Committee then agreed to receive this report for information purposes.

F. MANAGER OF PURCHASING

- (i) Replacement of Four (4) mid-size passenger vehicles, By-law Enforcement, Units Nos. 1305, 1306, 1347, 1367.

Alderman Anderson posed some questions with respect to this recommendation and requested additional information with respect to these vehicles. It was agreed that the Committee would approve this recommendation with the rider that the Chief Administration Officer would ensure that the Alderman receive the additional information that he required before City Council, in the event that he may wish to raise it further at the Council meeting.

The Committee then approved the following:

That a purchase order be issued to Queenston Chev-Olds, Hamilton, in the amount of \$63,739.20 including all taxes, for the replacement of four (4) mid-size passenger vehicles Nos. 1305, 1306, 1347 and 1367 for By-Law Enforcement, being the lowest acceptable of seven tenders received in accordance with specifications issued by the Manager of Purchasing and Vendor's tender and that this expenditure be financed through Replacement of Motorized Equipment Account No. CH5X503 00101.

22. OTHER BUSINESS

ADDED

Alderman Charters spoke to the Committee with respect to his wish to have authorization to establish a Task Force to look at the City's response to the Steel Industry's cut-backs. He indicated that he will come back to the October 8 meeting of the Committee with respect to terms of reference and composition of the Task Force and requested that this matter be placed at the beginning of the Agenda.


Accordingly, the Committee agreed to authorize the establishment of the above-noted Task Force with the request that Alderman Charters come back to the Committee with the terms of reference and composition of the Task Force.

RECESSED

The Committee agreed to recess into an In-Camera session in order to discuss a matter of a Private and Confidential nature. All staff, including the Committee Secretary, were requested to leave the meeting. The Committee did not reconvene following this In-Camera session.

Taken as read and approved,

**ALDERMAN D. ROSS, CHAIRPERSON
FINANCE AND ADMINISTRATION COMMITTEE**


Susan K. Reeder
Secretary
1992 September 24

Tuesday, 1992 September 29
6:30 o'clock p.m.
Room 233, City Hall

A special meeting of the Finance and Administration Committee was held.

There were present: Alderman D. Ross, Chairperson
Alderman B. Charters, Vice-Chairperson
Mayor Robert M. Morrow
Alderman D. Drury
Alderman T. Cooke
Alderman D. Agostino
Alderman T. Anderson
Alderman V. Agro
Alderman G. Copps

Also present: Alderman D. Wilson
Alderman H. Merling
Alderman F. Eisenberger
Alderman B. Morelli
Alderman M. Kiss
J. Pavelka, Chief Administrative Officer
P. Noé Johnson, City Solicitor
J. Schatz, City Clerk
J. Johnston, Commissioner of Human Resources
Susan K. Reeder, Secretary

The Chairperson spoke to the Committee with respect to several matters pertaining to the Selection Committee. Following discussion the Committee approved the following:

- (a) That Lori Peddle be appointed to the Canadian Football Hall of Fame for a term to expire 1994 November 30.
- (b) That a limit of two (2) applications be allowed for persons applying for appointments to Committees/Boards/Commissions.
- (c) That Lillian Vine be appointed to the French Sub-Committee for a term to expire 1994 November 30.

A G E N D A

1. PRIVATE AND CONFIDENTIAL AGENDA

The Committee then agreed to move into an In-Camera session to discuss matters of a Private and Confidential nature.

The Committee approved the following:

- 1. That Mr. George Baker's contract as Fire Chief be renewed for a five-year period commencing 1992 December 31, under the terms and conditions as set out in the employment contract.
- 2. That the City of Hamilton resolve Ontario Court (General Division) Action No. 31853/91 on the following basis:
 - (a) That the City of Hamilton pay to the Plaintiff, Barbara Raphael, the sum of \$3,000. inclusive of all damages, interest, costs, and disbursements.

- (b) That the Plaintiff execute a Full and Final Release in a form satisfactory to the City Solicitor.
 - (c) That the action be dismissed without costs.
3. That the City of Hamilton decline to accept the Plaintiffs', Nolan and Nolan, Offer of Settlement for Ontario Court (General Division) Action No. 22934/90.
4. (a) That the City of Hamilton settle Ontario Court of Justice (General Division) Action No. 25559/91 by the payment of \$1,500. to the Plaintiff, Anna Marie Swist, inclusive of all damages, interest and costs.
- (b) That Anna Marie Swist be required to execute a Full and Final Release of the City of Hamilton in a form satisfactory to the Law Department.
- (c) That Ontario Court of Justice (General Division) Action 25559/91 be dismissed, as against the City of Hamilton, without costs.
5. (a) That the City of Hamilton settle Ontario Court of Justice (General Division) Action No. 92-Cu-45083 by the payment of \$9,372.65, inclusive of damages, interest and costs to the Plaintiff, Unitel Communications Incorporated.
- (b) That the Plaintiff provide a Release satisfactory to the City Solicitor and that Ontario Court of Justice (General Division) Action No. 92-Cu-45083 be dismissed as against the City of Hamilton without costs.
6. (a) That the City of Hamilton decline to accept the Plaintiff's Offer to Settle Ontario Court (General Division) Action No. 18649/90 dated 1992 January 13.
- (b) That the City of Hamilton make an Offer to Settle in Ontario Court (General Division) Action No. 18649/90 in the following terms:
- (i) That the City offer to pay the amount of \$6,800. inclusive of all damages, interest and costs;
 - (ii) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the Law Department;
 - (iii) That Ontario Court (General Division) Action No. 18649/90 be dismissed, as against the Corporation of the City of Hamilton; and
 - (iv) That this offer remain open for acceptance until withdrawn or until the commencement of trial whichever first occurs.
7. That the City of Hamilton settle Ontario Court (General Division) Action Nos. 10642/90 on the following terms:
- (a) That the general damage claims on behalf of Peter Duguay, in Ontario Court (General Division) Action Nos. 10642/90 and 10643/90, be assessed at \$17,500., including the Family Law Act Claim of Marilyn Duguay;
- (b) That the wage losses of the Plaintiff, Peter Duguay, in Action No. 10642/90 be assessed in the amount of \$3,184.20;

- (c) That the City of Hamilton pay general damages in the amount of \$4,375., plus prejudgment interest in the amount of \$1,644.27 on the City's share of general damages, the wage losses of the Plaintiff listed in (b), and further pay the plaintiffs their party and party costs agreed in the amount of \$1,480.77 including GST, and special damages of \$597.14. (Total payment of \$11,281.38.)
 - (d) That the Plaintiff be required to execute a Full and Final Release of the City of Hamilton in a form satisfactory to the Law Department, and dismiss the action as against the City without costs.
8. (a) That the City of Hamilton resolve Ontario Court (General Division) Action No. 8343/87 by making a contribution of \$3,000. toward the payment to the Plaintiff, Elza Gulbis, of the sum of \$18,216.50 inclusive of all damages, interest and costs, with the balance to be paid by the co-defendant.
- (b) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the Law Department.
- (c) That Ontario Court (General Division) Action No. 8343/87 and any and all cross-claims shall be dismissed without costs.
9. (a) That the City of Hamilton resolve Ontario Court (General Division) Action No. 24102/91 by the payment to the Plaintiff, Leslie Pasis of the sum of \$10,581.27 inclusive of all damages, interest and costs.
- (b) That the Plaintiffs be required to sign a Full and Final Release in a form satisfactory to the Law Department.
- (c) That Ontario Court (General Division) Action No. 24102/91 and any and all cross-claims shall be dismissed without costs.
10. (a) That the City of Hamilton resolve Ontario Court (General Division) Action No. 16290/89 by the payment to the Plaintiff, Natasha Lyle of the sum of \$2,290. inclusive of all damages, interest and costs.
- (b) That the Plaintiffs be required to sign a Full and Final Release in a form satisfactory to the Law Department.
- (c) That the Plaintiffs obtain a Judge's Order from the Ontario Court (General Division) approving the infant settlement in respect of Action No. 16290/89.

The Committee then recessed and moved into a further In-Camera session and did not reconvene.

Taken as read and approved,

Susan K. Reeder.

Susan K. Reeder
Secretary
1992 September 29

**ALDERMAN D. ROSS, CHAIRPERSON
FINANCE AND ADMINISTRATION COMMITTEE**

CITY OF HAMILTON
- RECOMMENDATION -

B (i)

SEP 28 1992

DATE: 1992 September 25

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: S.G. Hollowell
Acting City Clerk

SUBJECT: Lung Association Flag

RECOMMENDATION:

- (a) That the request of the Lung Association of Hamilton-Wentworth to fly the Lung Association flag during the months of November and December to promote the Lung Association Christmas Seal Campaign be approved.
- (b) That the City Clerk be granted the authority to approve of a similar use in future years, provided it does not interfere with any other activity.

S. G. Hollowell

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

cc: Mayor's Office
Rob Swan, Manager, Property Maintenance Division
Information Desk
File

B
(ii)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 October 1

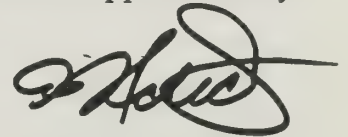
REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: J.J. Schatz
City Clerk

SUBJECT: Mayor's Race Relations Committee -
Use of Council Chambers

RECOMMENDATION:

- (a) That the request of the Mayor's Race Relations Committee to use the Council Chamber to host a visit from the Assistant Deputy Minister of Citizenship, Ann Marie Stewart, on Wednesday, 1992 October 14 from 7:00 p.m. until approximately 10:00 p.m. be approved.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Assistant Deputy Minister of Citizenship, Ann Marie Stewart, will be visiting the Hamilton area on October 14 in conjunction with the Anti-Racism Secretariat. The Anti-Racism Secretariat has requested the Mayor's Race Relations Committee to sponsor a public meeting where members of local communities and organizations will have the opportunity to speak to Ms. Stewart and to hear her speak on the Lewis Report, the Ontario Anti-Racism Policy and other important topics.

At its meeting of 1992 September 25 the Mayor's Race Relations Committee made the foregoing recommendation for the use of the Council Chamber to facilitate this public meeting.

cc: Mayor's Office
Rob Swan, Manager, Property Maintenance Division
Information Desk
File

CITY OF HAMILTON
- RECOMMENDATION -

B
(iii)

DATE: 1992 October 1

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: J.J. Schatz
City Clerk

SUBJECT: Use of City Hall Meeting Rooms

RECOMMENDATION:

That approval be given to the Canada Employment and Immigration Union, Women's Branch, to use City meeting rooms numbers 233 and 264 for the purpose of a seminar/workshop presentation on "Violence Against Women" and the provision of daycare on Saturday, 1992 October 24 from 9:00 a.m. - 4:30 p.m. and Sunday, 1992 October 25 from 9:00 a.m. - 2:00 p.m.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds for staff overtime associated with this event in the approximate amount of \$330.00 will be taken from Account CH55222-10034 which will increase the overdraft in this account to approximately \$2,000.00. However the bottom line total of the five accounts relating to hostings and receptions is within budget.

BACKGROUND:

This will be the first occasion for which the Canada Employment and Immigration Union, Women's Branch, have requested the use of City meeting rooms and is part of their outreach initiative.

cc: Mayor's Office
Rob Swan, Manager, Property Maintenance Division
Information Desk
File

C (i)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 October 1


REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Allan C. Ross
Treasurer

SUBJECT: EXPROPRIATION OF PART OF 631 RYMAL ROAD
WEST FROM RUSSELL AND MURIEL McCRORY
FOR ROADWAY PURPOSES

RECOMMENDATION:

That the acquisition of the part of the property at 631 Rymal Road West required for implementation of the amended Carpenter Neighbourhood Plan, be financed from Centre No. CH 00107 - "Reserve for Services Through Unsubdivided Lands".


Allan C. Ross

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The net amount to be financed for all 1992 projects related to subdivision expenditures, excluding this recommendation, is \$1,625,632.46. The 1992 Capital Budget includes a provision of \$800,000 for the City's share of subdivision expenditures in 1992. Exclusive of the approval of this recommendation the City's share of the cost has been exceeded by \$812,632.46. There are sufficient funds in the reserve to cover this expenditure.

BACKGROUND:

The Transport and Environment Committee will be considering a report on this purchase at their meeting of 1992 October 5.

NRA:jc

c.c. E. M. Gill, Senior Director, Roads Department
Attention: G. Aston
K. Christenson, Secretary, Transport and Environment Committee
D. W. Vyce, Director of Property

C (ii)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 October 1

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

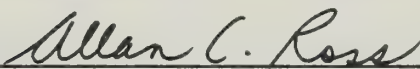
FROM: Allan C. Ross
Treasurer

SUBJECT: ACQUISITION OF LAND REQUIRED FOR
ROADWAY PURPOSES - GAGLIANO GARDENS
ADDITION - EXTENSION OF EAGLEWOOD DRIVE

RECOMMENDATION:

That the acquisition of a portion of the following lands required for the extension of Eaglewood Drive in Gagliano Gardens Addition Subdivision in order to implement the Eleanor Neighbourhood Plan, be financed from Centre No. CH 00107 - "Reserve for Services Through Unsubdivided Lands".

	<u>Property</u>	<u>Owner</u>
i)	Part of 801 Rymal Road East Parts 8 & 9, Plan 62R-9927	Gustav Turnewitsch
ii)	Part of 819 Rymal Road East Parts 12 & 13, Plan 62R-9927	Garnet Hyslop


Allan C. Ross

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The net amount to be financed for all 1992 projects related to subdivision expenditures, excluding this recommendation, is \$1,625,632.46. The 1992 Capital Budget includes a provision of \$800,000 for the City's share of subdivision expenditures in 1992. Exclusive of approval of this recommendation the City's share of the cost has been exceeded by \$825,632.46. There are sufficient funds in the reserve to cover this expenditure.

Susan Reeder, Secretary
Finance and Administration Committee
1992 October 1 - Page 2

BACKGROUND:

The Transport and Environment Committee will be considering a report on this purchase at their meeting of 1992 October 5.

NRA:jc

c.c. E. M. Gill, Senior Director, Roads Department
Attention: G. Aston
K. Christenson, Secretary, Transport and Environment Committee
D. W. Vyce, Director of Property

CITY OF HAMILTON
- RECOMMENDATION -

C
(iii)

DATE: 1992 September 30

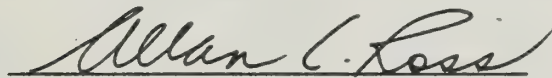
REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Allan C. Ross
Treasurer

SUBJECT: STATUS OF DEVELOPMENT CHARGE FUNDS

RECOMMENDATION:

- a) That the attached analysis of the transactions of the City's development charges reserve for the years 1990 (Appendix "A") and 1991 (Appendix "B") be received.
- b) That for future years, this analysis be prepared and submitted to City Council no later than June 30th of the following year.



Allan C. Ross

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Section 17 of Bill 20, "An Act to Provide for the Payment of Development Charges" requires the Treasurer to submit a statement of the City's development charges reserve each year on or before such date as directed by Council. Attached is Appendix "A" and Appendix "B" summarizing the activities in this reserve for the years 1990 and 1991. You will note that no funds have been disbursed from this reserve to date.

I am recommending that for future years this statement be prepared and submitted to Council no later than June 30th of the following year.

TWD:jc
Attachment

c.c. P. Noé Johnson, City Solicitor

**DEVELOPMENT LARGE RESERVE FUND
STATEMENT OF CONTINUITY
FOR THE YEAR ENDED DECEMBER 31, 1991**

Appendix "B"

	Total \$	Recreational Facilities \$	Parks \$	Libraries \$	Fire Stations \$	Roads & Street Lighting \$	Traffic Building and Signs \$
Balance at the beginning of the year	782,129	142,032	77,552	53,777	219,982	260,646	28,140
Development charges received or receivable	1,384,906	388,039	211,876	146,923	215,280	400,211	22,577
Development charges refunded	(23,985)	(1,092)	(596)	(413)	(10,911)	(9,459)	(1,514)
Interest Earned	<u>119,783</u>	<u>29,567</u>	<u>16,144</u>	<u>11,195</u>	<u>23,718</u>	<u>36,409</u>	<u>2,750</u>
	<u>2,262,833</u>	<u>558,546</u>	<u>304,976</u>	<u>211,482</u>	<u>448,069</u>	<u>687,807</u>	<u>51,953</u>
Transferred to the capital fund	0	0	0	0	0	0	0
Amounts allocated to other services	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Balance at the end of the year	<u>2,262,833</u>	<u>558,546</u>	<u>304,976</u>	<u>211,482</u>	<u>448,069</u>	<u>687,807</u>	<u>51,953</u>

DEVELOPMENT CHARGE RESERVE FUND
STATEMENT OF CONTINUITY
FOR THE YEAR ENDED DECEMBER 31, 1990.

	Total \$	Recreational Facilities \$	Parks \$	Libraries \$	Fire Stations \$	Roads & Street Lighting \$	Traffic Building and Signs \$
Balance at the beginning of the year	0	0	0	0	0	0	0
Development charges received or receivable	766,461	142,958	78,057	54,128	210,763	253,731	26,824
Development charges refunded	(26,516)	(8,586)	(4,688)	(3,251)	(2,646)	(7,143)	(202)
Interest Earned	<u>42,184</u>	<u>7,660</u>	<u>4,183</u>	<u>2,900</u>	<u>11,865</u>	<u>14,058</u>	<u>1,518</u>
	<u>782,129</u>	<u>142,032</u>	<u>77,552</u>	<u>53,777</u>	<u>219,982</u>	<u>260,646</u>	<u>28,140</u>
Transferred to the capital fund	0	0	0	0	0	0	0
Amounts allocated to other services	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Balance at the end of the year	<u>782,129</u>	<u>142,032</u>	<u>77,552</u>	<u>53,777</u>	<u>219,982</u>	<u>260,646</u>	<u>28,140</u>

C (iv)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 October 2

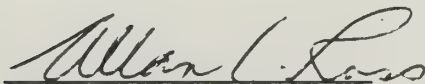
REPORT TO: Susan Reeder, Secretary
Finance and Administration Committee

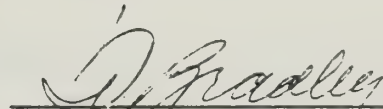
FROM: Allan C. Ross
Treasurer

SUBJECT: Request for Proposal - Insurance Consultants

RECOMMENDATION:

- a) That a purchase order be issued to Armour Riley Inc., Risk Management Consultants, 6725 Airport Road, Suite 702, Mississauga, Ontario, L4V 1V2 to examine the operations of the City Departments, Local Boards, H. E. C. F. I. and City-owned Companies for insurance purposes at a cost not to exceed \$18,000 plus applicable taxes.
- b) That this expenditure be charged to Account CH 53521 24108 - Insurance Premiums - Studies.


Allan C. Ross, Treasurer


T. Bradley, Manager of Purchasing

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds are available within the Insurance Premiums Centre - CH 53521 24108 - Studies.

BACKGROUND:

As directed by City Council at their meeting Tuesday, June 30, 1992, the Treasurer called for Request for Proposals for an Insurance Consultant to examine the operations of the City, Local Boards, H. E. C. F. I. and City-owned Companies to close Thursday, September 17, 1992.

1992, October 2

Susan Reeder, Secretary
Finance and Administration Committee - continued 2

As a result of this Proposal Call, four bids were received for the Insurance and Risk Management Study as follows:

	<u>Basic Fee</u>	<u>Expenses</u>	<u>Total Fee</u>	<u>GST Extra</u>
Armour Riley Inc., Mississauga	\$18,000	----	\$18,000	\$1,260
The Wyatt Company, Toronto	45,000	188	45,188	3,163
Anistics Ltd., Toronto	50,000	----	50,000	3,500
Tillinghast, Toronto	44,500	----	44,500	3,115

In addition, three firms were unable to bid:

Sedgwick James Inc.
Dalton Insurance Brokers Limited
Dale Intermediaries Ltd.

The specifications for the Request for Proposal were for a Risk Management and Insurance Study with a further quote for Additional Related Work. Prices for insurance tenders **were requested but will not be considered** at this time, pending the results of this review and future recommendations as to the best method for obtaining the required insurance coverage. Costs for a consultant's involvement for a subsequent insurance procurement tendering process ranged from \$10,500 to \$16,166.

The Request for Proposal requires not only a complete review of our existing insurance but also risk management programs and the submission of recommendations for consideration of the Treasurer, Committee and Council.

1992 October 2

Susan Reeder, Secretary
Finance and Administration Committee - continued 3

Analysis of the proposals indicates that Armour Riley Inc. (low bid) **does not include an actuarial study**, while the three other bids have this study as a part of their proposals.

In view of the in-depth review as contained in the Request for Proposal, it is the opinion of the Selection Committee that an actuarial analysis is not a necessary component of the study in order to establish self-insured retention (deductibles), forecasts of losses and a levels of funding for the Reserve for Uninsured Losses.

After review of the proposals and contact with references, the Selection Committee is confident that the low bidder (Armour Riley, Inc.) can fully meet the requirements of the RFP.

Therefore, the Selection Committee is unanimous in their recommendation that Armour Riley Inc. be appointed as the insurance consultant for the purposes of the Risk Management Study.

RDU/rdu

cc: Alderman Don Ross
Alderman Ward 8

J. G. Pavelka
C. A. O.

Patrice Noé Johnson
City Solicitor

Tom Bradley
Manager of Purchasing

John Leuser
Director of Finance
and Administration
H. E. C. F. I.

C (v)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 September 30

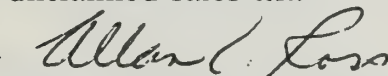
REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

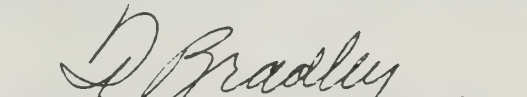
FROM: Allan C. Ross
Treasurer

SUBJECT: APPOINTMENT OF SALES TAX AUDITOR

RECOMMENDATION:

That the firm of H.M.T. Sales Tax Consultants Inc., of Ancaster, Ont., be appointed to perform a comprehensive audit of the City's payment records for sales tax rebates not recorded, with particular emphasis on the G.S.T., at a fee of 35% of any recovered unclaimed sales tax.


Allan C. Ross, Treasurer


T. Bradley, Manager of Purchasing

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

- potential for recovery of funds by the City, amount to be determined upon completion of audit
- The only fee is 35% of any recovered unclaimed sales tax, otherwise there is no cost to the City.

BACKGROUND:

An examination of the City's payments should be made periodically by experts in the field of sales tax in order to ensure compliance with regulations and to recover potential unclaimed tax rebates. In this regard, Requests for Proposals were sought from several established firms in this field, and advertisements inviting proposals were placed in the Hamilton Spectator in August.

The previous audit by an outside sales tax auditor was performed on the City's records in 1986, before the G.S.T. was introduced, and it is appropriate at this time to hire an outside auditor who will examine the payments made by the City with a view to recovering any

unclaimed sales tax rebates for a fee of 35% of the actual amount recovered.

Proposals and fee schedules received were as follows:

- | | | | |
|----|-----------------------------------------|---|-------------------|
| 1) | R. G. Akitt & Associates, Burlington | - | 30% |
| 2) | H.M.T. Sales Tax Consultants, Ancaster | - | 35% * recommended |
| 3) | Robert Brakel & Associates, Brampton | - | 40% |
| 4) | Squibb, Lafontaine & Associates, Elmira | - | 40% |

("Unable to Bid" returns were also received from Taxsave Consultants Limited of Don Mills and R. N. Donnell and Company Limited of Burlington).

After examining the proposals, it was felt that the second lowest bidder, H.M.T. Sales Tax Consultants, has more resources from which to draw and has had more experience in the municipal field and in particular in the G.S.T. area, and could provide a more complete service than the lowest bidder.

C
(vi)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 October 2

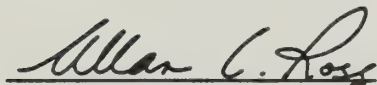
REPORT TO: Susan Reeder, Secretary
Finance and Administration Committee

FROM: Allan C. Ross
Treasurer

SUBJECT: PUBLIC LIBRARY LEASE - CENTRAL LIBRARY INSURANCE

RECOMMENDATION:

- a) That Clause 8(a) and (b) of the above agreement be deleted as the City of Hamilton agrees to accept liability under the Primary Liability insurance policy of the City of Hamilton;
- b) That references to insurance in the above Lease be amended to provide that,
 - i) the Lessor shall include the Lessee as a named insured in the Lessor's Primary and Excess Liability insurance policies in such amounts and deductibles as may be determined from time to time by the Lessor in its sole discretion; and
 - ii) the Lessee may, in its discretion, place liability insurance to insure all or part of the deductible of the City's primary liability policy and shall include the City as a named insured in any such insurance.


Allan C. Ross, Treasurer

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The City of Hamilton accepts liability for any occurrences at the Central Branch, Lloyd D. Jackson Square for the first three million dollars being the deductible under the City's Primary Liability policy.

1992, October 2

Susan Reeder, Secretary
Finance and Administration Committee - continued 2

BACKGROUND:

The lease agreement between the City of Hamilton and the Hamilton Public Library Board for the Central Branch, Lloyd D. Jackson Square in Clause 8 (a) requires that the Library obtain and keep in force a Public Liability and Property Damage insurance policy of at least \$2,000,000 for each accident in respect of damage to property of others, with the City of Hamilton as an additional named insured.

Insurance of this nature has never been purchased or provided by the Library Board since the date of the original lease agreement January 14, 1987.

Furthermore, this requirement has not been recognized in the past and therefore has not been enforced.

The use of the Central Library, although more high profile than other branches, is still passive and at a low risk when compared to some of the other City operations currently covered by our Primary and Excess liability policies, i. e.: sport programs.

In view of this coverage not being in place since January 1, 1987, this clause of the agreement not being enforced in the past and the low risk nature of the library operations, after consultation with the Insurance Advisory Committee it is my opinion that the agreement should be amended to remove clause 8 (a) and (b).

Similarly, any reference to insurance in the agreement should be amended to indicate the current limits of coverage, deductible, etc. of the City Primary and Excess Liability policies.

RDU/an

cc: Bill Guise
Business Administrator
Hamilton Public Library

David A. Powers
Manager, Development and Real Estate Services
Law Department

CITY OF HAMILTON

- INFORMATION -

6.

DATE: 1992 September 16

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Mr. John Johnston
Commissioner of Human Resources

SUBJECT: Employment Equity Legislation (C-045-092)

BACKGROUND:

This report will provide an overview of the mandatory Employment Equity Legislation introduced June 25, 1992 by the Minister of Citizenship. This legislation covers the public sector, broader public and private sectors and targets four groups of people who have traditionally suffered from both systemic and intentional discrimination - Aboriginal people, persons with disabilities, racial minorities and women.

The intent of this legislation is to remove barriers to employment and ensure that members of the four target groups are given equal opportunity to be hired, trained and promoted.

The employment equity bill outlines four principles:

1. Every aboriginal person, every person with a disability, every member of a racial minority and every woman is entitled to be considered for employment, hired, treated and promoted free of barriers, including systemic and deliberate practices and policies, that discriminate against them as an Aboriginal person, as a person with a disability, as a member of a racial minority or as a woman.
2. Every employer's workforce, in all occupational categories and at all levels of employment, shall reflect the representation of Aboriginal people, people with disabilities, members of racial minorities and women in the community.

3. Every employer shall ensure that its recruitment, employment and promotion practices and policies are free of barriers, both systemic and deliberate, that discriminate against Aboriginal people, people with disabilities, members of racial minorities and women.
4. Every employer shall implement positive measures for recruiting, employing and promoting Aboriginal people, people with disabilities, members of racial minorities and women.

Every employer will be required to:

- * conduct a voluntary workforce survey to determine the representation of designated groups in the employer's workforce.
- * review employment policies and practices
- * prepare an employment equity plan that provides for:
 - (a) the elimination of barriers;
 - (b) the implementation of positive measures with respect to the recruitment, retention and promotion of members of the designated groups;
 - (c) the implementation of measures to accommodate members of the designated groups in the employer's workforce;
 - (d) specific goals and timetables for the matters referred to in (a) to (c) cited above;
 - (e) specific goals and timetables with respect to the composition of the employer's workforce; and
 - (f) such other matters as may be prescribed by the regulations.

- * after preparing the plan the employer is required to file a certificate respecting the plan with the Employment Equity Commission and may be required to file a copy of the plan as well.

Implementation of the plan:

- * broader public sector employers with ten (10) or more employees will be required to comply with all the requirements listed above 18 months after proclamation of the legislation.

Responsibility for development & implementation of plan:

- * the employer and the bargaining agents shall establish a committee to co-ordinate the carrying out of their joint responsibilities.
- * These responsibilities shall be carried out in good faith, separately from the normal collective bargaining process.

Duty to inform:

- * the employer must post in prominent places in the workplace employment equity information so that all employees can access this information.

The role of the Employment Equity Commission and Tribunal:

- * the Commission will administer the legislation and will have order-making powers.
- * the Commission will provide education about employment equity and will assist employers and employees in developing employment equity workplans.
- * the Tribunal will deal with complaints regarding an employers failure to implement an employment equity plan or failure to achieve employment equity goals.

Compliance:

- * if the Tribunal finds that the legislation has not been followed it may order that the employer and bargaining agents comply.
- * failure to comply with an order is an offence with the maximum fine of \$50,000.00.

Employment Equity within the Region/City - Where do we go From Here?

Many of the initiatives the Corporation has taken to ensure our employment practices are fair and bias-free, adhere to the principles of the employment equity legislation and have been outlined in report C-022-091/HUR-091-016.

Our Employment Equity Workplan (Appendix A) has been revised in anticipation of the statutory obligations arising from the legislation. Critical components include developing a computer system that will allow us to analyze data collected in a voluntary workforce survey; creating a mechanism to work with the Unions in developing and implementing the employment equity plan and designing a communication strategy that will encourage a corporate culture that is understanding and appreciative of the principles of employment equity.



John Johnston

Employment Equity Workplan – 1992

ACTIVITIES	DEVELOPMENT DATE	IMPLEMENTATION DATE
<i>1. Policy & Procedures Development & Implementation</i>		
Amend & Approval of Employment Equity Policy	June 1992	
Amend & Approval of Race Relations Policy	June 1992	
Amend & Approval of Disrimination & Harassment Policy	April 1992	May 1992 *
Amend & Approval of Personal Harassment Policy	June 1992	
Develop & Approval of Sexual Harassment Policy	June 1992	May 1992 *
Amend & Approval of Harassment by Members of Council Policy	June 1992	
Develop & Approval of AIDS Policy (Region)	February 1992	March 1992 *
Develop and Approval of Job Sharing Policy	June 1992	
Develop Guidelines to accommodate flexible working arrangements	June 1992	
		* council approval
<i>2. Develop Employment Equity Database</i>		
Design & Implement an Employment Equity Computer Program	September 1992	
Revise SOC Codes & Occupation Categories	June 1992	
Input SOC Codes & Occupation Categories	July 1992	
Develop Maintenance Program for ongoing input of SOC codes & occupation categories	June 1992	
Design an Employment Equity Survey	June 1992	
Conduct Employment Equity Survey	November 1992	
Merge Survey Results with Employment Equity Computer Program	December 1992	

Employment Equity Workplan – 1992

ACTIVITIES	DEVELOPMENT DATE	IMPLEMENTATION DATE
3. <i>Employment Systems Review</i>		
Review the Process for tracking external applicants	January 1993	
Review & amend present practices of tracking internal job turnover	Ongoing (commence July 1992)	
Review recruitment & selection procedures	Ongoing	
Draft & Distribute guidelines for conducting valid employment testing	Summer 1993	
Review job qualifications to ensure compliance with the O.H.R.C. (Bona fide occupational requirements)	Ongoing	
4. <i>Training & Development</i>		
Inform & Update Council on Employment Equity initiatives & progress	September 1992	
Inform & Update Senior Management Team on Employment Equity initiatives & progress	September 1992	
Conduct Human Rights Awareness Training Sessions for all Regional & City employees	Ongoing	April 1992
Provide Human Rights Training to new supervisors and managers	Ongoing	September 1991
Provide Cross-Cultural Awareness Training	Ongoing	September 1991
Develop strategies to encourage members of target groups to participate in training programs	March 1993	

Employment Equity Workplan – 1992

ACTIVITIES	DEVELOPMENT DATE	IMPLEMENTATION DATE
<i>5. Corporate Communication</i>		
Establish an Employment Equity Task Force	Summer 1992	
Conduct Employment Equity Information Sessions to all employees	October 1992	
Submit Employment Equity articles & updates to the Regional newsletter	Ongoing	June 1992
Continued participation in committees and task forces (ie. Mayor's Race Relations, Child Care Task Force)	Ongoing	
Design a communications strategy to create the foundation for an employment equity culture in the Corporations	Ongoing (Commence Sept 1992)	
<i>6. Revise Employment Equity Plan</i>		
Analyse & prepare employment equity reports	January 1993	
Develop Goals & Timetable in consultation with departments and unions	March 1993	
Revise Employment Equity Plan	May 1993	

c:eeplan

7.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: October 1, 1992

OCT 1 1992

REPORT TO: Susan Reeder, Secretary
Finance and Administration Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: DEVELOPMENT CHARGES BY-LAW #90-74 - PAYMENT
REVISIONS (92.2.4.2.1.A, 92.4.1.2)

RECOMMENDATION:

- a) That the City's policy permitting a deferral of payment of development charges for a three year maximum period (adopted May 28, 1991, Item 18, 11th Report, Finance and Administration Committee) be amended as follows:
 - i) That partial discharges of registered deferral agreements be issued by the City upon payment of the applicable development charges.
 - ii) That in addition to the present policy permitting payment of development charges to be deferred pursuant to a deferral agreement, registered on title to the development site, the City permit payment deferral pursuant to an unregistered deferral agreement provided the City receives a letter of credit (or equivalent financial security satisfactory to the City Treasurer) in the amount of the development charges being deferred (and estimated interest thereon for the three year deferral period).
 - iii) That the form of the City's Development Charges Deferral Agreement annexed hereto as Schedule "A" prepared by the City Solicitor be approved.
- b) That a policy permitting payment of development charges before issuance of a building permit be approved providing the owner enters into a pre-payment agreement.

Such prepayment agreement shall be in a form satisfactory to the City Solicitor and include the following provisions:

- i) permitting payment of the development charge before a building permit is issued in relation to a building or structure;

ii) requiring the owner:

- to pay the development charge in effect on the date it is payable under the agreement;
- to register the agreement on title at its expense;
- to make payment of the development charge immediately in the event the owner disposes the land prior to the payment due date in the agreement;

c) That the following administrative fees be approved:

i) registered deferral agreements	\$500
ii) registered prepayment agreements	\$100
iii) unregistered agreements	\$100
iv) compliance report	\$ 25
v) discharge	\$ 50



L.C. King, P.Eng.

LCK/PCL/dm
Encl.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

BACKGROUND:

On May 27, 1990, City Council passed by-law #90-74 under the Development Charges Act which imposed development charges against land when the development of the land increased the need for services.

In May, 1991, the Finance and Administration Committee approved a report from the Building Department which allowed development charges payment agreements in accordance with the Development Charges Act. This policy stated as follows:

- a) That the City of Hamilton approve a policy permitting the payment of development charges by the use of payment agreements entered into before the issuance of a building permit;
- b) That the payment agreements referred to in Item (a) include the following provisions:
 - i) permitted the payment of development charges over a period of up to three (3) years from the date of payment agreement;
 - ii) charging interest on the development charges based on the City short term borrowing rate adjusted at the beginning of each month;
 - iii) requiring that the developer register the payment agreement on title at its own expense by providing a certificate to the City's Solicitor certifying that the agreement is with the current owner of the lands and the agreement is registered on title to the land; and
 - iv) requiring the development pay an administration fee of \$500 and this fee be incorporated in the Development Charges By-law.
- c) That the Mayor and Clerk be authorized and directed to execute payment agreements for development charges, said agreements to be in a form satisfactory to the City Solicitor.
- d) That the policy of using payment agreements be reviewed in twelve (12) months.
- e) That City Council recommend to the Region that they amend their policy with respect to payment agreements for the regional development charges to be consistent with the above-noted City policy. The Region presently allows payment agreements one year in duration while the City allows up to three years duration.

Since the passing of the policy by the City, this Department has encountered circumstances which warrants the amendment of the City's policy respecting deferral of payments. The policy at present needs amendment for the following reasons:

1. The development of residential subdivisions is an expensive process for developers and builders. As the land is serviced, construction of residential buildings usually follows immediately. This scenerio will often place heavy financial burdens upon developers. Payment of development charges coincides with subdivision servicing costs. This results in some builders starting construction of buildings prior to permit issuance as building permits can not be issued until the

development charges are paid. It is anticipated that by amending the policy to allow use of letters of credit under the subdivision agreement to draw upon respecting development charge payments, that it will reduce the rate of incidence of builders building without building permits due to non-payment of development charges.

2. The policy to permit Deferred Development Agreement payment without registration on title, but holding securities in form of a letter of credit will allow partial discharges for multiple tenancy projects. This occurs when developers build attached housing such as townhouses where multiple units are sold off upon completion (i.e. street townhouses). The developer may proceed with construction prior to payment of any development charges and may have partial discharges of Development Charge Payment Agreements without having to go through formal registration on title. As long as the payment are secured by, again as the policy states, sufficient letter of credit or other such payment, the City is assured that the payments will be made for those properties which are completed and occupied prior to all the lands being fully developed.

These proposed changes to the Development Charges Deferred Payment Agreement have been developed with the co-operation of the Law and Treasury Department and the construction industry. It is anticipated that the amendments will promote construction and development within the City.

8.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 September 17

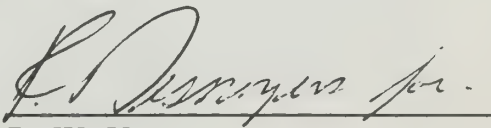
REPORT TO: S. Reeder, Secretary
Finance and Administration Committee

FROM: D. W. Vyce
Director of Property

SUBJECT: City Hall - West Exit Stairs - 8th floor

RECOMMENDATION:

That approval be given to enlist the Architectural and engineering services of Christina Kokosky Architect of Hamilton for the construction of the west exit stair extension extending from the 7th to the 8th floor of City Hall at a cost of \$8,000.00.


D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funding for the architectural design cost of \$8,000.00 and the construction cost of \$35,000.00 to \$50,000.00 is available from the City Hall Accommodations Account.

BACKGROUND:

Currently the West exit stairway terminates at the 7th floor and has a steel ladder that extends to the roof through a hatch-way. This ladder is an obstruction and is unsuitable as a route of egress.

The proposed stairway extension will provide direct access into the building from the roof in the event of an emergency. The stairway extension is required for additional safety should the occupants in the cafeteria have to evacuate and the main stairway (at the elevators) is inaccessible.

continued.....

By installing the stairway extension this would allow more occupants in the cafeteria as it is limited to only 60 persons. It would also be beneficial for future plans of a roof-top patio.

The Fire and Building Departments both endorse this proposal and agree that the safety on the 8th floor will be greatly increased.

ATTACHMENT

c.c: R. Desnoyers, Assistant Manager, Building Operations & Maintenance

c.c: P. Noe Johnson, City Solicitor Attention: P. Hooker

c.c: T. Bradley, Manager of Purchasing

c.c: A. Ross, City Treasurer

c.c: Chief G. Baker, Fire Department

c.c: L. King, Building Commissioner, Building Department

RD/dd



Federation of Canadian Municipalities
Fédération canadienne des municipalités

OFFICE OF THE CITY CLERK

OCT 0 1 1992

REC. BY *JJS* DATE _____
REF'D. TO *SKR* DATE _____
REF'D. TO _____ DATE _____
REF'D. TO _____ DATE _____

September 15, 1992

ACTION: *F + A*

Memorandum To FCM Municipal, Associate and Affiliate Members

REQUEST FOR RESOLUTIONS FOR CONSIDERATION
AT THE DECEMBER 1992 MEETING OF THE
NATIONAL BOARD OF DIRECTORS

Le maire Margaret Delisle
Sillery (Québec)
Présidente
President

Alderman Ron Hayter
Edmonton, Alberta
First Vice President
Premier vice-président

Mayor Audrey Moore
Castlegar, British Columbia
Second Vice President
Deuxième vice-présidente

Mayor Moira Ducharme
Halifax, Nova Scotia
Third Vice President
Troisième vice-présidente

Councillor Doreen Quirk
Markham, Ontario
Past President
Présidente sortante

James W. Knight
Executive Director
Directeur général

The Federation of Canadian Municipalities' Standing Committee on Policies and Resolutions and the National Board of Directors invite the submission of resolutions on subjects of national municipal interest for debate at the December 1992 meeting of FCM's National Board of Directors.

FCM will take a stand only on issues which are clearly of national municipal interest and which fall within the jurisdiction of the federal government, the provincial and territorial governments acting at the interprovincial level, or FCM itself. Indirect municipal issues and local/regional issues will not be supported by major research and lobbying activity, unless otherwise directed by the Annual Conference or by FCM National Board of Directors.

Resolutions meeting the enclosed guidelines and received by December 13, 1992 will be submitted to FCM's National Board of Directors at its meeting in December unless the sponsor explicitly directs them to the Annual Conference in June.

The Standing Committee on Policies and Resolutions and the National Board of Directors appreciates the cooperation of all members in adhering to the enclosed procedures when preparing their resolutions for submission.

We look forward to hearing from you.

Viviane Swann
Viviane Swann
Resolutions Policy Analyst

Enclosures



Federation of Canadian Municipalities
Fédération canadienne des municipalités

GUIDELINES FOR PRESENTATION OF RESOLUTIONS TO THE FEDERATION OF CANADIAN MUNICIPALITIES

It is by way of resolutions that Municipal, Affiliate and Associate Members bring their concerns to FCM for consideration at the Annual Conference, held in June of each year, or at meetings of the National Board of Directors, held in September, December and March.

Resolutions may be submitted by any municipality or provincial/territorial municipal association which is a member in good standing of the Federation of Canadian Municipalities.

All resolutions endorsed at the Annual Conference or at the National Board of Directors and which require action from the Government of Canada, shall be submitted to the appropriate minister, department or agency for response.

It is therefore important that resolutions be carefully worded so that FCM is directed to take the appropriate action and that the proper message is conveyed.

CONSTRUCTION OF RESOLUTIONS

All members are urged to observe the following guidelines when preparing resolutions for submission to FCM:

- a) FCM will take a stand only on issues which are clearly of **national municipal interest** and which fall within the jurisdiction of the federal government, the provincial and territorial governments acting at the interprovincial level, or FCM itself. Indirect municipal issues and local/regional issues will not be supported by major research and lobbying activity, unless otherwise directed by the Annual Conference or by FCM National Board of Directors.
- b) **The descriptive clauses (WHEREAS...)** should clearly and briefly set out the reasons for the resolution. If the sponsor believes that the rationale cannot be explained in a few preliminary clauses, the problem should be more fully stated in supporting documentation.
- c) **The operative clause (BE IT RESOLVED...)** must clearly set out its intent stating a specific proposal for any action which the sponsor wishes FCM to take. (i.e. **BE IT RESOLVED that FCM urge/endorse/petition...**) The wording should be clear and brief. Generalization should be avoided.
- d) **Background information** such as Council reports should be submitted with the resolution. When a resolution is not self explanatory and when adequate information is not received, FCM staff may return the resolution to the sponsor with a request for additional information or clarification.
- e) **Proof of endorsement** by the sponsoring council must accompany the resolution.

CATEGORIZATION OF RESOLUTIONS

The Standing Committee on Policies and Resolutions will review the resolutions received and categorize them as follows:

- | | |
|--------------------------------|------------------------------------------------------------------------------------------------------|
| Category A: | National municipal issues |
| Category B: | Local/regional municipal issues |
| Category C: | Issues not within municipal jurisdiction |
| Category D¹: | Matters dealt with by FCM in the previous three years and that are in accordance with FCM policy |
| Category D²: | Matters dealt with by FCM in the previous three years and that are NOT in accordance with FCM policy |

SUPPLEMENTARY INFORMATION

Resolutions meeting the above criteria submitted following each "Call for Resolutions" will be forwarded to the next Board meeting or Annual Conference, as applicable, unless the sponsor explicitly directs otherwise.

The Standing Committee on Policies and Resolutions is responsible for receiving and taking action on all resolutions in accordance with the above stated guidelines.

Resolutions which fall within the mandate of an FCM Standing Committee or Task Force will be reviewed by same for the purpose of presenting recommendations to the National Board of Directors or the Annual Conference. Standing Committees and Task Forces are responsible for ensuring that resolutions are compatible with existing policy statements and approved resolutions.

THE DEADLINE FOR SUBMISSION OF RESOLUTIONS TO FCM'S NATIONAL BOARD OF DIRECTORS AT THEIR NEXT MEETING IN DECEMBER IS NOVEMBER 13, 1992

The Standing Committee on Policies and Resolutions stresses that resolutions received after the deadline cannot be processed in time for inclusion in the Board Book and will be held for action by the National Board of Directors at their next meeting in March.

Resolutions of an emergency nature, as determined by the Standing Committee on Policies and Resolutions, will be debated only with the Board's approval.

For more information please call Viviane Swann - Resolutions Policy Analyst, or Michael Roche - Director of Policy and Programs, at the FCM office Tel: (613) 237-5221, Fax: (613) 237-2965.

10.
(a.)

CITY OF HAMILTON
- INFORMATION -

DATE: 1992 October 2

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Allan C. Ross
Treasurer

SUBJECT: CHARGEBACK OF CENTRAL UTILITIES PLANT
- COSTS TO H.E.C.F.I.

BACKGROUND:

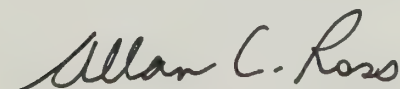
At the Finance and Administration Committee meeting of August 20, 1992, during the receipt of my information report concerning the Summary of Expenditures and Revenues for the six months ending June 30, 1992, a question was raised regarding the Central Utilities Plant and the apparent lack of chargeback to H.E.C.F.I. for related utility costs. I was asked to prepare a report on this concern.

The costs for the Central Utility Plant are reflected within the Building Operations and Maintenance Division of the Property Department.

The Central Utility Plant does recover utility costs from users who are external to City funds, such as the Provincial Government (Ellen Fairclough building), Art Gallery and the Parking Authority. The Central Utility Plant does not recover any costs from H.E.C.F.I., Library or any City Department for utilities. However, in negotiating contracts for events held within the H.E.C.F.I. facilities, H.E.C.F.I. staff among other factors used to determine the rental rate for the facilities consider an estimated utility cost. Therefore, H.E.C.F.I. has built into its revenues provisions for recovering the appropriate utility costs, even though no direct chargeback of those costs exists.

In negotiating rental rates for events, however, H.E.C.F.I. must ensure that their prices are competitive and within an acceptable market range. This frequently impacts upon the fees that can be set for the various facilities.

The present system only charges C.U.P. costs directly to those entities which do not receive City tax funding. It is not proposed to modify this system at this time.



ACR/an

c.c. D. Vyce, Director, Property Department
G. Macaluso, C.E.O., H.E.C.F.I.

10.
(b.)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 September 30

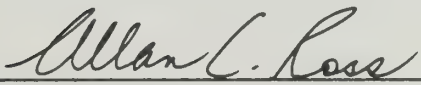
REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Allan C. Ross
Treasurer

SUBJECT: LEVY PAYMENTS TO THE
BOARDS OF EDUCATION

RECOMMENDATION:

- a) That a copy of the September 30, 1992 report of the City Treasurer regarding levy payments to the Boards of Education, be forwarded to the Boards of Education for their comments on the report.
- b) That the Boards of Education be requested to provide their comments to the Finance and Administration Committee by the end of December, 1992.


Allan C. Ross

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Increased cash flow and additional short term interest revenues of approximately \$1 million to the City of Hamilton based on current interest rates if payment dates are revised to the minimum statutory requirement.

BACKGROUND:

The City of Hamilton has been making levy payments on a "monthly" basis to the Boards of Education for many years. Under this payment schedule, payments are made on the 28th day of each month with the exception of December when payment is made on the 21st day of the month. While there has never been a formal agreement between the City and the Boards for this schedule of payments, it is my understanding that it was agreed to in the early 1970's by the City Treasurer and the Board of Education officials.

Susan K. Reeder, Secretary
Finance and Administration Committee
1992 September 30 - Page 2

BACKGROUND: - continued

Section 243(2) of the Education Act, R.S.O. 1990 (copy attached) provides that the City is only required to make payments to the Boards of Education of 25% of the annual amount to be raised for School purposes on a quarterly basis on the following dates; March 31, June 30, September 30, and December 15th. You will note that there is also a provision in this section that the Municipality shall pay interest to the Board if it defaults on instalment payments and "with the consent of the board", the board shall allow a discount for payments made in advance. The City has never defaulted on a payment to the Boards over the years and consequently we have never been charged interest. Also, we have never received a discount on any advance payments since it does not appear that this was part of the arrangements made at that time. It should be noted that there has been some discussion recently regarding possible amendment of the Education Act to require more than 4 payments per year to school boards.

If the City revised the levy payment schedule to conform to the schedule outlined in the present Legislation, it would have a major impact on our cash flow and would generate a significant increase in short term investment interest revenues because payment of these expenditures would no longer be required on a monthly basis. This additional revenue will have a positive impact in reducing the City's mill rate and the reverse impact on the school board mill rate requirements. The levy payments to the Public and Separate School Boards in 1992 amount to approximately \$200 million or \$16.7 million per month. We estimate the increase in investment income to the City resulting from this change would be approximately \$1 million.

A shift in the payment arrangement to the dates required by statute would result in increased revenues to the City. It would, however, also result in decreased revenues or potentially even costs to the Boards in the form of interest costs on short term borrowing. The net impact upon a Hamilton taxpayer might therefore be no reduction in the overall mill rate whatsoever, but simply a shift between the Boards' and the City mill rates. Furthermore if the payments were changed to 4 times per year and the legislation subsequently revised to provide for more, the reverse effect would be felt.

Subsection (4) of Section 243 of the Education Act refers to the termination of an agreement for these payment arrangements. Where there is an agreement and no provision has been made for it's termination, it continues in force from year to year until it is terminated on December 31 in any year by notice given before October 31 in such year by the Chief Executive of the Board or by the Clerk of the municipality.

While the City of Hamilton does not have a formal agreement with the Boards of Education, there has been a working arrangement in place for many years and if a change in policy for the payment of these levies were to be considered, it is recommended that the Boards be notified at the earliest possible date.

Susan K. Reeder, Secretary
Finance and Administration Committee
1992 September 30 - Page 3

BACKGROUND: - continued

Two alternatives are possible if Committee and Council wish to pursue this matter.

Firstly, this report could be forwarded to the Boards of Education with a request for their comments on this matter by a specified date. Committee and Council could then consider the Boards comments and make a decision. If this alternative is pursued, it is likely that a change in the payment arrangements would not be possible for 1993, given the legislative and other considerations.

Secondly, the City could formally notify the Boards at this time of its wish to revert to the legislated quarterly payments. If this action were taken, the change could be accomplished for 1993, as any legislative considerations have been fully complied with.

Given the City's long standing arrangements in this regard and the magnitude of the shifts that would result from a change, it is recommended that the first alternative be selected. The City would then provide ample opportunity for the school boards to review and comment on this matter, with any change to the payment arrangements being possible in 1994 or subsequent years.

TWD:jc
Attachments

c.c. J.G. Pavelka, Chief Administrative Officer
P. Noé Johnson, City Solicitor

the amount that it is required by the divisional board to raise for public school purposes; and

- (b) upon all the property rateable for secondary school purposes in the municipality the amount that it is required by the divisional board to raise for secondary school purposes. R.S.O. 1980, c. 129, s. 215 (1).

Payment to
boards

(2) Subject to subsection (3), the council of each municipality in a school division in each year shall pay to the divisional board the amounts required to be raised by the municipality for public school purposes and for secondary school purposes, in the following instalments:

1. 25 per cent of such amounts on the 31st day of March;
2. 25 per cent of such amounts on the 30th day of June;
3. 25 per cent of such amounts on the 30th day of September; and
4. 25 per cent of such amounts on the 15th day of December,

and in case of non-payment of such instalments or any portion thereof on such dates, the municipality so in default shall pay to the board interest thereon from the day of default to the date that the payment is made at the minimum lending rate of the majority of banks listed in Schedule I or II to the *Bank Act* (Canada) on the day of default and where, with the consent of the board, such instalments or any portion thereof are paid in advance of such dates, the board shall allow to the municipality a discount thereon from the date of payment to the date upon which the payment is due at the minimum lending rate of the majority of banks listed in Schedule I or II to the *Bank Act* (Canada) on the date of payment. R.S.O. 1980, c. 129, s. 215 (2), revised.

Agreement

(3) A divisional board may, by agreement with a majority of the municipalities in the school division where such municipalities represent at least two-thirds of the equalized assessment in the school division as determined under the regulation made under subsection 240 (1), provide for any number of instalments and the amounts and due dates thereof other than those provided in subsection (2), which shall be applicable to all municipalities in the school division and otherwise subsection (2) applies with necessary modifications. R.S.O. 1980, c. 129, s. 215 (3); 1988, c. 46, s. 3 (1).

lité, le montant que le conseil de division scolaire exige qu'il recueille aux fins des écoles publiques;

- b) sur les propriétés imposables aux fins des écoles secondaires dans la municipalité, le montant que le conseil de division scolaire exige qu'il recueille aux fins des écoles secondaires. L.R.O. 1980, chap. 129, par. 215 (1).

Versement
aux conse

(2) Sous réserve du paragraphe (3), le conseil de chaque municipalité d'une division scolaire paie chaque année au conseil de division scolaire les montants que la municipalité doit recueillir aux fins des écoles publiques et secondaires par versements périodiques comme suit :

1. 25 pour cent de ces montants le 31 mars;
2. 25 pour cent de ces montants le 30 juin;
3. 25 pour cent de ces montants le 30 septembre;
4. 25 pour cent de ces montants le 15 décembre.

En cas de non-paiement de ces versements, en tout ou en partie, aux dates indiquées ci-dessus, la municipalité en défaut verse au conseil des intérêts sur les sommes en souffrance à compter du premier jour du défaut jusqu'à la date où le paiement est effectué, au taux de prêt minimum appliqué par la majorité des banques mentionnées à l'annexe I ou II de la *Loi sur les banques* (Canada), le premier jour du défaut. Si, avec le consentement du conseil, ces versements périodiques, en tout ou en partie, sont payés antérieurement aux dates indiquées ci-dessus, le conseil accorde à la municipalité une remise sur ces sommes à compter de la date du paiement jusqu'à la date où celui-ci est exigible, au taux de prêt minimum appliqué par la majorité des banques mentionnées à l'annexe I ou II de la *Loi sur les banques* (Canada) à la date du paiement. L.R.O. 1980, chap. 129, par. 215 (2), révisé.

Entente

(3) Le conseil de division scolaire peut, grâce à une entente avec la majorité des municipalités de la division scolaire, si celles-ci représentent au moins les deux tiers de l'évaluation péréquée dans la division scolaire, ainsi qu'elle a été calculée aux termes du règlement pris en application du paragraphe 240 (1), prévoir qu'un nombre de versements périodiques, leur montant et leur date d'échéance, autres que ceux prévus au paragraphe (2), soient applicables aux municipalités de la division scolaire, et par ailleurs le paragraphe (2) s'applique avec les adaptations nécessaires. L.R.O. 1980, chap. 129, par. 215 (3); 1988, c. 46, s. 3 (1).

termination
agreement

(4) Where an agreement under subsection (3) does not provide for its termination, it shall continue in force from year to year until it is terminated on the 31st day of December in any year by notice given before the 31st day of October in such year,

(a) by the chief executive officer of the divisional board as authorized by a resolution of the divisional board; or

(b) by the clerks of the majority of the municipalities which represent at least two-thirds of the equalized assessment in the school division as determined under the regulation made under subsection 240 (1),

and where no agreement is in effect under subsection (3), the payments shall be made as provided in subsection (2). R.S.O. 1980, c. 129, s. 215 (4); 1988, c. 46, s. 3 (2).

Where
instalment
due before
requisition
received

(5) Where, in any year, for any reason, the amounts required to be raised under subsection (1) have not been requisitioned before the date upon which an instalment is due, the amount of the instalment shall be based upon the requisition of the previous year and paid on the due date, and in the case of late payment or prepayment of all or part of such instalment the interest or discount under subsection (2) shall apply thereto, and the necessary adjustment shall be made in the instalment due next following the date upon which the requisition of the divisional board is received.

Application
to separate
schools

(6) Where a combined separate school board has requested the municipalities that are in whole or in part within the combined separate school zone to levy and collect the rates or taxes imposed by the board, the provisions of subsections (1) to (5) apply with necessary modifications to such board and such municipalities except that reference to equalized assessment in the school division shall be deemed to refer to equalized assessment rateable for separate school purposes in the combined zone.

Application
to public
school board

(7) The provisions of this section that apply in respect of the public school purposes of a divisional board apply in respect of a public school board.

Application
to secondary
school board

(8) The provisions of this section that apply in respect of the secondary school purposes of a divisional board apply in respect of a secondary school board. R.S.O. 1980, c. 129, s. 215 (5-8).

(4) Si l'entente conclue aux termes du paragraphe (3) ne prévoit pas de résiliation, elle demeure en vigueur d'une année à l'autre jusqu'à sa résiliation le 31 décembre d'une année grâce à un avis donné avant le 31 octobre :

a) soit par le chef de service administratif du conseil de division scolaire qui y est autorisé par une résolution du conseil de division scolaire;

b) soit par les secrétaires de la majorité des municipalités qui représentent au moins deux tiers de l'évaluation péréquée dans la division scolaire ainsi qu'elle a été calculée aux termes du règlement pris en application du paragraphe 240 (1).

Si aucune entente n'est en vigueur aux termes du paragraphe (3), les versements sont effectués ainsi que le prévoit le paragraphe (2). L.R.O. 1980, chap. 129, par. 215 (4); 1988, chap. 46, par. 3 (2).

(5) Si, au cours d'une année et pour une raison quelconque, les montants devant être recueillis aux termes du paragraphe (1) n'ont pas fait l'objet d'une demande de crédits avant la date où un versement périodique est échu, le montant du versement périodique doit être fondé sur la demande de crédits de l'année précédente et versé à la date d'échéance. En cas de paiement en retard ou anticipé de la totalité ou d'une partie du versement périodique, l'intérêt ou la remise prévu aux termes du paragraphe (2) s'y applique et le rajustement nécessaire est effectué lors du paiement du prochain versement périodique exigible après la date de réception de la demande de crédits du conseil de division scolaire.

(6) Si le conseil fusionné d'écoles séparées a demandé aux municipalités comprises en totalité ou en partie dans la zone fusionnée d'écoles séparées de prélever et de percevoir les cotisations ou impôts exigés par le conseil, les paragraphes (1) à (5) s'appliquent, avec les adaptations nécessaires, au conseil et aux municipalités, sauf que le renvoi à l'évaluation péréquée dans la division scolaire est réputé un renvoi à l'évaluation péréquée des propriétés imposables aux fins des écoles séparées dans la zone fusionnée.

(7) Les dispositions du présent article qui s'appliquent aux fins des écoles publiques d'un conseil de division scolaire s'appliquent au conseil d'écoles publiques.

(8) Les dispositions du présent article qui s'appliquent aux fins des écoles secondaires d'un conseil de division scolaire s'appliquent au conseil d'écoles secondaires. L.R.O. 1980, chap. 129, par. 215 (5) à (8).

Résiliation de
l'entente

Versements
périodiques
échus avant
la date de
réception de
la demande
de crédits

Application
aux écoles
séparées

Application
au conseil
d'écoles
publiques

Application
au conseil
d'écoles
secondaires

11. (a.)

CITY OF HAMILTON
- INFORMATION -

DATE: 1992 October 1

REPORT TO: Mrs. S. Reeder
Secretary, Finance and Administration Committee

FROM: Mr. J. J. Schatz
City Clerk

SUBJECT: Report back - Flat Rates
Veterans Taxi - Earthsong

BACKGROUND:

The Finance and Administration Committee, at its meeting held September 24, 1992, requested that a report be received respecting the above issue.

When organizers of the Earthsong Festival contacted the Licence Division earlier this year, they were informed that all taxicabs employed in this arrangement would be required to pick up passengers at an authorized location and that the taxi fares charged must be in accordance with the By-law.

It is clear from the Investigation Report that vehicles were parked illegally and it would appear that the taxi fares charged to passengers were also in breach of the By-law, although it would seem that Earthsong tried to be "creative" with the By-law when it advertised "Earthsong Taxi Stand - \$2.00 per person".

According to Bill Powell, the Earthsong arrangement with Veterans Taxi provided for transportation of more than 300 Earthsong performers, who were billeted at the Sheraton Hotel. This part of the arrangement called for Veterans Taxi to bill Earthsong directly for this service, which did not contravene the By-law.

Staff were asked to respond to the concerns expressed by Blue Line Taxi, which were outlined at the September 24th meeting of the Finance and Administration Committee. The above information addresses a number of the questions. However, with respect to the one concern about some Veterans' taxis taking customers that were not destined for Earthsong, Inspection Staff did not see this occur, nor did the Inspection Staff receive any complaints about passengers being picked up by Veterans' livery vehicles in front of the Sheraton Hotel.

Another concern of Blue Line was that taxicabs, other than Veterans, were not permitted

entry to the Earthsong grounds which was controlled by them. All other taxis were required to terminate their trips at a nearby road barricade. The issue of whether or not the Festival would or would not allow vehicles access onto the property occupied by Earthsong is not a licensing matter.

It is our understanding that Veterans' arrangement with Earthsong was to transport performers and other passengers from the Sheraton Hotel, which has an authorized loading zone for this purpose. There is a designated taxi stand for use by all taxicabs which is located approximately 40 feet to the east of the hotel entrance. Veterans' arrangement to pick up passengers in front of the hotel is permitted as any taxicab may stop briefly in a loading zone to pick up or discharge passengers. A taxicab, however, may not stop for any extended period of time. Some Veterans Taxis may have been illegally parked in the loading zone in contravention of the Traffic By-law.

The letter which was sent by the Licence Division to the Taxi Brokerages in 1988 reminded them that it was illegal to enter into contracts for the carriage of passengers unless the exact rate of fare was charged. At that time, there were many contracts which called for flat rating and were, therefore, contrary to the By-law. Some members of the Taxi Industry continue to complain to the Taxi Advisory Committee about this issue.

On at least four separate occasions in 1991, the Taxi Advisory Committee has dealt with this issue of flat rating and discounting. Active enforcement of these provisions of the By-law has not been pursued in light of the above.

As referenced in the Taxi Advisory Committee Report, there were apparently breaches of the By-law as it related to the activities of Earthsong. The Licence Division gave approval to Earthsong's arrangement based on the understanding that passengers would pay their share of the metered rate. It should be pointed out that there was never any formal request for approval and the Manager of the Licence Division had only a brief discussion with the Earthsong representative, which resulted in a misunderstanding with Earthsong.

Given this most recent incident, the Chairman of the Taxi Advisory Committee has instructed staff to bring the issue of flat rating and promotion back to a future meeting of the Committee for full discussion.

The provisions of the By-law should be clarified if the regulations prohibiting flat rating are to continue. We expect that the Taxi Advisory Committee will either reaffirm the current provisions of the By-law or recommend changes. Should this be the case, the provisions of the By-law will be clarified with all Taxi Brokerages with enforcement to follow.

If the Taxi Advisory Committee should recommend any changes, same will be submitted to the Finance and Administration Committee for its consideration.

c.c. Alderman D. Drury, Chairman, Licensing Committee



11.
(b.)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 October 1

REPORT TO: Mrs. S. Reeder, Secretary
Finance and Administration Committee

FROM: Mr. J. J. Schatz
City Clerk

SUBJECT: Amendments to Smoking By-laws 80-258 and 89-370

RECOMMENDATION:

1. That Smoking By-Law 80-258, Smoking in Public Areas and By-Law 89-370, Smoking in the Workplace be amended to provide for:
 - (a) A minimum symbol diameter of seven inches and a minimum letter size of 1/4 inch on all smoking control signs sold after January 1, 1993.
 - (b) All required signs to be posted at the entrance and exits of every premises regulated by the by-laws and also be conspicuously posted throughout the premises so as to be clearly visible from all parts of the premises.
 - (c) Any sign which complied with the requirements of the by-law prior to January 1, 1993 to continue to be used until the sign's condition requires the sign to be replaced.
2. That the attached by-law be approved for submission to City Council.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Finance and Administration Committee at its meeting held July 23, 1992 was in receipt of a memorandum from myself to Alderman Copps respecting a change in the size of the smoking control signs to provide for one size of sign.

This matter was referred back to staff to meet with Alderman Copps, Alderman Ross and Mr. Tony Bordonaro to formulate specific recommendations on the size of the symbol and lettering on the smoking control signs, as well as deal with the issue of how long existing signs may remain in place and for how long existing stocks of signs may be sold.

Staff met with the above individuals and received approval to submit the above recommendation to the Finance and Administration Committee.

c.c. Mr. L. Farr, Law Dept.

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Amend:

By-law No. 80-258, as amended

Respecting:

SMOKING IN PUBLIC AREAS

and

By-law No. 89-370

Respecting:

SMOKING IN THE WORKPLACE

WHEREAS the Council of The Corporation of the City of Hamilton in adopting Item of the Report of the Finance and Administration Committee at its meeting held on the day of 1992, authorized this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Paragraph 4 of subsection 2 of Section 21, including Table 2 of By-law 80-258, is repealed and the following is substituted in lieu:

4. Consist of a symbol shown in paragraph 3, having a diameter not less than seven (7) inches.

2. By-law 80-258, as amended, is further amended by repealing the following subsections:

Subsection 2 of Section 3,
Subsection 4 of Section 3a,
Subsection 3 of Section 5,
Subsection 3 of Section 7,
Subsection 4 of Section 11(a).

3. By-law 80-258 is further amended by adding the following Section 8:

8. (1) Where this By-law requires a sign to be posted, the proprietor shall erect and maintain the signs in accordance with Section 20 of this By-law, indicating where smoking is prohibited.

(2) The signs required to be posted shall be posted by the proprietor at the entrance and exit of every premises regulated by this By-law and shall also be conspicuously posted throughout the premises so as to be clearly visible from all parts of the premises.

4. (1) Paragraph 4 of subsection 2 of Section 11, including Table 2, of By-law 89-370 is deleted and the following is substituted in lieu:

11. (2) 4. Consist of a symbol shown in paragraph 3, having a diameter of not less than seven (7) inches.

(2) Where an employer is required by this By-law to post or cause to be posted, signs in the workplace, the signs shall be conspicuously posted so as to be clearly visible from all parts of the workplace.

5. (1) Sections 1 and 2 come into force on January 1, 1993. Any sign which complied with the requirements of By-law 80-258 or 89-370 prior to January 1, 1993, may continue to be used until the sign's condition requires the sign to be replaced.

(2) Section 3 comes into force on enactment of this By-law.

PASSED this day of , A.D. 1992.

City Clerk

Mayor

(1992) R. , (date)

\BYLAW\SMOKING(3)

12.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 September 30

SEP 30 1992

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Stella M. Glover, Secretary
Mayor's Race Relations Committee

SUBJECT: Advisory Committee on Equitable Representation

RECOMMENDATION:

That the membership of the Advisory Committee on Equitable Representation be increased by one, and that the Chairperson of the Mayor's Race Relations Committee's Commissions Sub-Committee, Mr. William Shaffir, be appointed to this Committee

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

Stella Glover

BACKGROUND:

At its meeting of Friday, 1992 September 25 the Mayor's Race Relations Committee was advised of the work of the Advisory Committee on Equitable Representation.

It was suggested that as Mr. Shaffir is Chairperson of the Mayor's Race Relations Committee's and Commissions Sub-Committee he would be able to contribute expertise in this area. The Committee therefore made the foregoing recommendation in the hope that Mr. Shaffir can be of assistance to the Advisory Committee on Equitable Representation

cc: Mayor R.M. Morrow, Chairperson, Mayor's Race Relations Committee
Marlene Thomas-Osbourne, Co-Chairperson, Mayor's Race Relations Committee
Alderman M. Kiss
Mr. William Shaffir
File

**CITY OF HAMILTON
FOR INFORMATION**

13.

DATE: 1992 September 30

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: J. Pavelka, Chief Administrative Officer
A. Ross, Treasurer

SUBJECT: MAYOR'S TRANSPORTATION

BACKGROUND:

In accordance with the direction of your Committee at the meeting of September 24, 1992, we have prepared information on the costs of the City car and driver which is at the disposal of the Mayor on a full-time basis, and on possible alternate arrangements.

For background information, you should be aware that the policy of the City in this matter as approved by City Council December 9, 1980, states the following:

"That the following policy be adopted for the use of chauffeur driven city-owned vehicles:

- 1) that one automobile and chauffeur be placed at the disposal of the Chairman of the Regional Municipality of Hamilton-Wentworth. (The cost of this service is billed directly to the Region.)
- 2) A chauffeur and an automobile to be at the disposal of the Mayor of the City of Hamilton.
- 3) That one automobile and chauffeur be made available for the use of the member of Council while serving in the capacity of Acting Mayor for City business.
- 4) No member of Council will be authorized to drive any city vehicle."

To our knowledge, (aside from item 1 which is now entirely the responsibility of the Region) this is still the policy of the City of Hamilton.

cont. page 2.....

Susan K. Reeder, Secretary
Finance and Administration Committee
1992, September 30, page 2

The budget for the Legislative transportation function for 1992 is \$169,500, and includes the operation and maintenance costs of two cars, together with the salaries and benefits of two drivers and the overtime costs related to that function. These cars, part of the fleet of the City Garage, are used for various assignments including delivery of special mail or other articles, driving visiting dignitaries as required, driving Aldermen to and from various functions when acting in the capacity of the Mayor and driving for the Mayor. The two drivers, in addition to their driving duties as and when required, are assigned to assist in the operation of the City Garage which encompasses a fleet of some 120 vehicles.

We have conducted a survey of 12 major municipalities of varying sizes, in addition to Hamilton, to compare their handling of their Mayors' transportation requirements; we found that six (6) municipalities supply **both city-owned car and driver** (including Hamilton) for their Mayors' use, three (3) municipalities allow **use of city-owned car only**, and four (4) others **reimburse their Mayors for the use of their personal car** either at a mileage fee or a flat allowance per year. The results of this survey in table form are shown as attached **EXHIBIT "A"**.

The Mayor's car is a 1988 Lincoln Town Car purchased January 1989 for \$19,121. It was fully depreciated in 1992, is at the stage where significant repairs need to be made, and is overdue to be traded in. Insurance, fuel, oil, and maintenance amount to approximately \$6,400 per year, plus major repairs which so far this year have amounted to \$1,500.

The driver for the Mayor spends the majority of his time performing that function, but when not required for driving duties is busy maintaining the Mayor's car and assisting in the day-to-day operations of the City Garage. In the event full-time driver services are no longer available for the Mayor's office, then one full-time driver position will no longer be required within the staff complement. The related costs, including basic salary and benefits for one position and the applicable portion of the overtime which is earned by both drivers and the Supervisor are estimated to be \$84,800 per year.

ALTERNATIVES

From the information gathered in the survey, and from City staff input, we can identify several options with respect to transportation for the Mayor:

- 1) **Status quo**; i.e., continue the present policy of supplying a city-owned car and full-time driver to be at the disposal of the Mayor; the costs are budgeted for 1992 and no additional costs or savings would accrue. Replacement of the vehicle would be recommended by staff in 1993 under this option.

.....Cost of option 1 is \$91,200.

cont. page 3.....

- 2) **Supply city-owned car only;** the Mayor would drive a city-owned car himself, and the costs for the car would be the same or less than present, however, savings would be realized by the elimination of one driver position plus the relevant overtime in the City Garage operation. Special deliveries of mail or other items may be subject to the availability of the remaining car and driver used at times by members of Council while representing the Mayor at some event.

.....Cost of option 2 is \$6,400.

- 3) **Supply city-owned car, and for special occasions also a driver;** costs for the car itself would be the same as at present, however the cost for the part-time driver would depend on the number of occasions he is called upon to drive.

.....Assuming one to two times per week overtime occasions, Cost of option 3 could range from \$12,600 to \$19,400.

- 4) **Mayor drives his own car and receives mileage allowance or flat rate;** the present arrangements for mileage reimbursement for all employees, politicians and citizen members is .36 cents per km. for the first 5,000 kms. and .20 cents per km. thereafter. Options could be considered as to the payment of a mileage allowance, or the payment of a flat monthly rate which would cover the cost of use of the Mayor's own vehicle for City business. In the event that an option is pursued involving the use of the Mayor's personal vehicle, this may also have insurance and liability impacts.

.....Based on use for 7 mos. in 1992, the mileage allowance option would cost approximately \$10,225.

Please note that options 1), 2), and 3) above do not include depreciation costs of the vehicle which is fully depreciated, nor do any of the above reflect costs with respect to personnel relocation or other arrangements.

Impact on the City Garage by **not** supplying the Mayor with a full-time driver:

- a) the elimination of one driver position from the full-time complement would necessitate one of the present employees having to be retrained for relocation elsewhere in the Corporation, or other form of accommodation. In the event that the Committee wishes to further discuss specifics in this regard, these discussions should involve the Commissioner of Human Resources and should take place during an in-camera session.

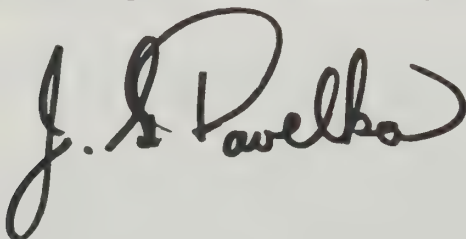
cont. page 4.....

- b) the present Council policy would have to be changed and a different arrangement with respect to transportation would need to be approved.
- c) the City Garage staff, which currently consists of a Supervisor, two Drivers, and two Garage Attendants, is arranged so that when the drivers are not driving they are assisting in the day-to-day operation of the City Garage. Elimination of one drivers' position would curtail the assistance now provided by this position.
- d) the supply of a **part-time** driver may still allow for the elimination of one of the drivers' positions, however that would depend on the amount of use that would be required by the Mayor's office.
- e) a policy statement and guidelines on the use of the remaining car and driver should be developed so that all concerned will have a clear understanding of the responsibilities and limitations inherent in having only one car available.

Any option other than the present car and driver, may also have service level implications for the Mayor's Office.

Due to the normally heavy schedule of the Mayor's Office and the inherent efficiencies built into the present transportation arrangement, it may be difficult to maintain attendance at all of the goodwill and promotional events in Hamilton and elsewhere without a full-time car and driver. Similarly, the arrangement which allows the Mayor to conduct business while in transit (e.g., phone calls, reviewing reports) would not be possible if a driver is not provided. In addition, the personal safety of the Mayor should also be considered in that he may be at greater risk of an automobile accident following appearances at various functions which may have a cumulative tiring effect and run to late hours in the evening.

We trust this provides all necessary information for your consideration of this matter.



COMPARISON OF VARIOUS MUNICIPALITIES - MAYORS' CAR ALLOWANCES

	<u>CITY</u>	<u>POPULATION</u>	<u>COMMENTS</u>
1)	<u>Use of City car and driver:</u>		
	Etobicoke	293,000	
	Hamilton	317,000	
	North York	544,000	
	Ottawa	308,000	
	Scarborough	500,000	
	Toronto	597,000	
2)	<u>Use of City car only:</u>		
	Kitchener	153,000	-pays own gas, etc., receives mileage allowance \$1,836 per year
	Mississauga	460,000	-budget provision for limited driver services as required
	Oshawa	120,000	
3)	<u>Car Allowance - own car:</u>		
	London	282,000	-receives mileage for actual expenses
	Sudbury	91,000	-receives flat allowance - \$4,200 per year
	Thunder Bay	113,000	-receives flat allowance - \$2,400 per year
	Windsor	200,000	-receives flat allowance - \$4,000 per year

CA4 ON HBL AOS
CSIF31

J.J. SCHAFF
CITY CLERK

1992



Urban/Municipal Librarian
Public Library
2nd Floor

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OFFICE OF THE CITY CLERK
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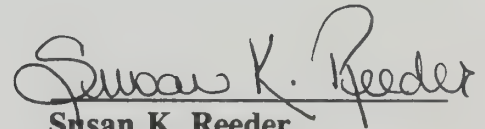
TEL: 546-2700
FAX: 546-2095

1992 October 19th

NOTICE OF MEETING

FINANCE AND ADMINISTRATION COMMITTEE

**Thursday, 1992 October 22nd
9:30 o'clock a.m.
Room 233, City Hall**


**Susan K. Reeder
Secretary**

AGENDA

1. PRESENTATION

Licencing Committee (no copy).

2. DEVELOPMENT CHARGES COMPLAINT

9:30 O'clock a.m.

Valery Construction Limited - 190 Limeridge Road, West.

3. DELEGATION

Canadian Club of Hamilton - Plaque.

4. GRANTS REVIEW GROUP

1993 Hamilton Spectator Indoor Games Grant Request.

URBAN MUNICIPAL
GOV
MENT DOCUMENTS

5. CONSENT AGENDA

6. MAYOR MORROW

Civic Luncheon for Olympic Athletes.

7. RESOLUTIONS

Town of Newmarket - Canadian Unity.

8. FRENCH SUB-COMMITTEE

Appointment to replace vacancy.

9. TREASURER

(a) Information Report - Sales Tax Auditor.

(b) Appointment of Sales Tax Auditor.

10. CHIEF ADMINISTRATIVE OFFICER

Work Accommodation Policy and Procedures.

11. CITY CLERK

Reinstatement of member to the Keep Hamilton Clean Committee.

12. PRIVATE AND CONFIDENTIAL AGENDA

13. OTHER BUSINESS

14. ADJOURNMENT

OUTSTANDING ITEMS

FINANCE & ADMINISTRATION COMMITTEE

<u>Item</u>		<u>Action By</u>
1.	(a) Policy to exempt Parking Authority from realty and business tax.	Treasurer
	(b) Examine feasibility of directing the net revenue from parking fines into the Reserve Account.	Treasurer
2.	Street Vendors Program - Examine all aspects of the Program and report back to Finance and Administration Committee.	City Clerk
3.	Report back on possible amendments to existing legislation to improve power to confiscate vicious animals.	H.S.P.C.A.
4.	Report on City's Energy Lightbulb Programme.	Purchasing
5.	Rationale of Development Charges on 84 Birmingham Street.	Building
6.	Proposed policy on display of plaques, posters, memorabilia, etc.	Property
Note: The requests from the following are on hold pending Committee deliberation of the Director's report:		
	(a) Status of Women	
	(b) Ridge Raiders Drum & Bugle Corp.	
	(c) Ad & Sales Club	
	(d) Hamilton Mundialization Committee	
	(e) Polish Singers Alliance of America.	
7.	Review of dual purpose licence and sign respecting the By-law to license and regulate the sale of tobacco to minors to be purchased and posted by retailers selling tobacco.	City Clerk
8.	Additional Proposed Development Charges Amendments.	Building
9.	Commonwealth Plaza Lighting meeting.	Property

<u>Item</u>		<u>Action By</u>
10.	Results of investigation on alternative uses of the Theatre Terra Nova building in the event that Theatre Terra Nova is unable to assume regular monthly mortgage payments as of 1993 January 1st.	C.A.O.
11.	Report on payment to the Hamilton Harbour Commission for the City's portion of the Windermere Basin Cleanup.	C.A.O.

1992 October 19th

FINANCE AND ADMINISTRATION COMMITTEE

THURSDAY, 1992 OCTOBER 22ND

CONSENT AGENDA

A. ADOPTION OF THE MINUTES OF THE FINANCE AND ADMINISTRATION COMMITTEE

Minutes of the regular meeting held Thursday, 1992 October 8th.

B. HAMILTON FARMERS' MARKET SUB-COMMITTEE

Application to enclose stand #140-143 at the Hamilton Farmers' Market.

C. TREASURER

(i) Funding - Subdivision Servicing Expenditure - Edan Heights - Phase 3.

(ii) Funding - Increased costs - three local improvement projects.

D. TREASURER & DIRECTOR OF PUBLIC WORKS

Funding - Special Capital grant to McMaster University for a Joint Community Sports Development project.

E. CITY CLERK

(i) United Nations Association Proclamation.

(ii) Boy Scouts Apple Day.

(iii) The Mad Creative Art School Display.

(iv) Dictionary of Hamilton Biography - Use of Council Chambers.

F. COMMISSIONER OF HUMAN RESOURCES

- (i) Information Report - Hamilton Professional Fire Fighters' Arbitration Award.
- (ii) The Hand Association of Sewer, Watermain and Road Contractors and the International Union of Operating Engineers, Local 793.
- (iii) Appointments to and terminations from permanent positions with the Corporation of the City of Hamilton to 1992 October 14th.

G. MANAGER OF PURCHASING

Supply and delivery of gasoline and diesel fuel as and when required to 1994 June 30, various City departments.

Thursday, 1992 October 8
9:30 o'clock a.m.
Room 233, City Hall

A.

The Finance and Administration Committee met.

There were present: Alderman T. Cooke, Acting Chairperson
Mayor Robert M. Morrow
Alderman D. Drury
Alderman T. Anderson
Alderman G. Copps
Alderman D. Agostino
Alderman V. Agro

Regrets: Alderman D. Ross, Chairperson
Alderman B. Charters, Vice-Chairperson - Regional Business

Also present: Alderman M. Kiss
Alderman F. Eisenberger
Alderman D. Wilson
J. Pavelka, CAO
P. Barkwell, Law Department
P. Noe Johnson, City Solicitor
A. Ross, Treasurer
D. Carson, Mayor's Office
J. Schatz, City Clerk
P. Lampman, Deputy Building Commissioner
J. Munroe, Employment Equity Officer
J. Johnston, Commissioner of Human Resources
D. Vyce, Director of Property
S. Hollowell, City Clerk's Office
Susan K. Reeder, Secretary

AGENDA

1. DELEGATION

Doctor Morreale, Leander Boat Club

Dr. Morreale of the Leander Boat Club spoke to the Committee with respect to the correspondence before the Committee requesting that the City grant permission for their club to use the City's charity number for the purposes of collecting donations to be used in the purchase of new equipment and possibly the building of a new facility. Dr. Morreale advised that the trust fund would be established in the name of two of its most distinguished members, Paddy Cline and Claude Saunders.

A considerable amount of discussion ensued with respect to this matter, and the Committee acknowledged receipt of an Information Report on this issue from the Treasurer dated 1992 October 2nd.

Following discussion on this matter, the Committee approved the following:

That the City Treasurer be authorized to establish the necessary procedures in order to receive donations and issue municipal income tax receipts in support of the Paddy Cline\Claude Saunders Leander Boat Club Trust Fund.

2. PRESENTATION**City's Representative on the Hamilton Harbour Commission**

Mr. Duncan Beattie, the City's representative on the Hamilton Harbour Commission spoke to the Committee regarding various aspects concerning the Harbour. Mr. Beattie distributed information packages respecting the Harbour to all members of the Committee. Mr. Beattie then proceeded to present a slide presentation showing various views of the harbour area.

As a point in the presentation, Mayor Morrow requested that there needs to be a clean-up of the sheds and the area along the north side of Bay street in an effort to beautify this particular area. He added that this matter should be discussed with some detail between the City, Harbour, and Royal Botanical Gardens officials, and that the CAO should be acting upon ensuring that this dialogue is commenced.

Mr. Beattie showed pictures of the Pier 4 Park Area, as well as the Lax property, the Eastport, and Windermere Basin.

Some discussion ensued with respect to the Windermere Basin area and the City's share in the cost of that clean-up in the approximate amount of \$95,000.

It was agreed that the CAO should report back to the Committee with respect to the City's payment of its portion of the Windermere Basin clean-up expense.

Some discussion also ensued with respect to surplus profits realized by the Hamilton Harbour Commission and the legislation which requires that these profits be turned over to the City of Hamilton.

The Committee then thanked Mr. Beattie for providing them with the update on Hamilton Harbour matters.

3. MAYOR ROBERT MORROW**Arts and the City's Edmund C. Bovey Clinic and Regional Meeting**

The Committee was in receipt of a report from the Mayor dated 1992, October 2nd, respecting the above-noted matter.

The Mayor spoke to the Committee with respect to this clinic and Regional meeting, and following discussion, the Committee approved the following:

- (a) That approval be given for the hosting of an Edmund C. Bovey Clinic and Ontario Regional Meeting to be held in the Council Chambers, City Hall, on 1992 November 21 and 22; and
- (b) That approval be given for a City contribution from the Special Civic Receptions and Delegation Hostings Account CH 55314 84010 for hosting purposes in the amount of \$3,000.

4. ALDERMAN D. AGOSTINO

The Committee agreed to defer this item until Alderman Agostino returned to the meeting.

5. CONSENT AGENDA

The Committee agreed to pull Items (B), (i) - Lung Association flag, and (B) (iii) - Use of City Hall meeting rooms, and (C) (v) Sales Tax Auditor from the Agenda for further discussion.

The Committee then approved the Consent Agenda as follows:

A. ADOPTION OF THE MINUTES OF THE FINANCE AND ADMINISTRATION COMMITTEE

Minutes of the Regular Meeting held Thursday, 1992 September 24th and the Special meeting held Tuesday, 1992 September 9th.

The Committee was in receipt of the above-noted minutes and approved them as circulated.

B. CITY CLERK

(ii) Use of Council Chambers - Mayor's Race Relations Committee

The Committee was in receipt of a report from the City Clerk dated 1992 October 1, respecting the above-noted matter and approved the following:

That the request of the Mayor's Race Relations Committee to use the Council Chambers to host a visit from the Assistant Deputy Minister of Citizenship, Ann Marie Stewart, on Wednesday, 1992 October 14 from 7:00 p.m. until approximately 10:00 p.m. be approved.

C. TREASURER

(i) Funding - Expropriation of Part of 631 Rymal Road West from Russell and Muriel McCrory for roadway purposes

The Committee was in receipt of a report from the Treasurer dated 1992 October 1, respecting the above-noted matter, and approved the following:

That the acquisition of the part of the property at 631 Rymal Road West required for implementation of the amended Carpenter Neighbourhood Plan, be financed from Centre No. CH 00107- "Reserve for Services Through Unsubdivided Lands".

(ii) Funding - Acquisition of land required for roadway purposes - Gagliano Gardens Addition - Extension of Eaglewood Drive

The Committee was in receipt of a report from the Treasurer dated 1992 October 1, respecting the above-noted matter, and approved the following:

That the acquisition of a portion of the following lands required for the extension of Eaglewood Drive in Gagliano Gardens Addition Subdivision in order to implement the Eleanor Neighbourhood Plan, be financed from Centre No. CH 00107 - "Reserve for Services Through Unsubdivided Lands".

	<u>Property</u>	<u>Owner</u>
(i)	Part of 801 Rymal Road East Parts 8 & 9, Plan 62R-9927	Gustav Turnewitsch
(ii)	Part of 819 Rymal Road East Parts 12 & 13, Plan 62R-9927	Garnet Hyslop

(iii) Information - Status of development Charge Funds

The Committee was in receipt of a report from the Treasurer dated 1992 September 30, respecting the above-noted matter, and approved the following:

- (a) The analysis of the transactions of the City's Development Charges Reserve for the years 1990 (Appendix "A") in 1991 (Appendix "B") be received and
- (b) That for future years this analysis be prepared and submitted to City Council no later than June 30th of the following year.

(iv) Request for Proposal - Insurance Consultants

The Committee was in receipt of a report from the Treasurer dated 1992 October 2, respecting the above-noted matter, and approved the following:

- (a) That a purchase order be issued to Armour Riley Inc., Risk Management Consultants, 6725 Airport Road, Suite 702, Mississauga, Ontario, to examine the operations of the City Departments, Local Boards, H.E.C.F.I. and City-owned Companies for insurance purposes at a cost not to exceed \$18,000. plus applicable taxes; and
- (b) That this expenditure be charge to Account CH 53521 24108 - Insurance Premiums - Studies.

(vi) Public Library Lease - Central Library Insurance

The Committee was in receipt of a report from the Treasurer dated 1992 October 2, respecting the above-noted matter, and approved the following:

- (a) That Clause 8(a) and (b) of the Public Library Lease Agreement be deleted as the City of Hamilton agrees to accept liability under the Primary Liability insurance policy of the City of Hamilton; and
- (b) That references to insurance in the Public Library Lease Agreement be amended to provide that:
 - (i) the Lessor shall include the Lessee as a named insured in the Lessor's Primary and Excess Liability insurance policies in such amounts and deductibles as may be determined from time to time by the Lessor in its sole discretion; and
 - (ii) the Lessee may, in its discretion, place liability insurance to insure all or part of the deductible of the City's primary liability policy and shall include the City as a named insured in any such insurance.

6. COMMISSIONER OF HUMAN RESOURCES

Information Report - Employment Equity Legislation

The Committee was in receipt of an Information report from the Commissioner of Human Resources dated 1992 September 16, respecting the above-noted matter. The Commissioner of Human Resources and J. Munroe, the Employment Equity Officer, spoke to the Committee with respect to this report.

Some discussion ensued with respect to the legislation surrounding employment for disabled persons.

The Committee then agreed to receive this report for information.

7. BUILDING COMMISSIONERPayment Revisions - Development Charges By-law 90-74.

The Committee was in receipt of a report from the Building Commissioner dated 1992 October 1, respecting the above-noted matter and approved the following:

- (a) That the City's policy permitting a deferral of payment of Development Charges for a three year maximum period (adopted 1991 May 28, Section 18, Eleventh Report, Finance and Administration Committee) be amended as follows:
 - (i) That partial discharges of registered Deferral Agreements be issued by the City upon payment of the applicable Development Charges.
 - (ii) That in addition to the present policy permitting payment of Development Charges to be deferred pursuant to a deferral agreement, registered on title to the development site, the City permit payment deferral pursuant to an unregistered deferral agreement provided the City receives a letter of credit (or equivalent financial security satisfactory to the City Treasurer) in the amount of the Development Charges being deferred (and estimated interest thereon for the three year deferral period).
 - (iii) That the form of the City's Development Charges Deferral Agreement, attached herewith and marked Appendix "A" be approved.
- (b) That a policy permitting payment of Development Charges before issuance of a building permit be approved providing the owner enters into a Pre-payment Agreement.

Such Prepayment Agreement shall be in a form satisfactory to the City Solicitor and include the following provisions:

- (i) permitting payment of the Development Charge before a building permit is issued in relation to a building or structure;
- (ii) requiring the owner:
 - (1.) to pay the Development Charge in effect on the date it is payable under the Agreement;
 - (2.) to register the Agreement on title at its expense;
 - (3.) to make payment of the Development Charge immediately in the event the owner disposes the land prior to the payment due date in the Agreement;
- (c) That the following administrative fees be approved:
 - (i) registered Deferral Agreements \$500.
 - (ii) registered Prepayment Agreements \$100.
 - (iii) unregistered Agreements \$100.
 - (iv) compliance report \$ 25.
 - (v) discharge \$ 50.

8. DIRECTOR OF PROPERTY**City Hall - West Exit Stairs - 8th Floor**

The Committee was in receipt of a report from the Director of Property dated 1992 September 17 respecting the above-noted matter and approved the following:

That approval be given to enlist the Architectural and Engineering Services of Christina Kokosky Architect of Hamilton for the construction of the west exit stair extension extending from the 7th to the 8th floor of City Hall at a cost of \$8,000.

9. CORRESPONDENCE**Federation of Canadian Municipalities - Request for Resolutions for consideration at the 1992 December meeting of the National Board of Directors**

The Committee was in receipt of correspondence from the FCM dated 1992 September 15 respecting the above-noted matter and agreed to receive this correspondence.

10. TREASURER**(a) Information Report - Chargeback of Central Utilities Plant - costs to H.E.C.F.I.**

The Committee was in receipt of a report from the Treasurer dated 1992 October 2nd, respecting the above-noted matter as result of a request for this report.

Alderman Copps raised some questions with respect to this report, and following discussion, the Committee agreed to receive this report for information purposes.

(b) Levy Payments to the Boards of Education

The Committee was in receipt of a report from the Treasurer dated 1992 September 30, respecting the above-noted matter and approved the following:

- (i) That a copy of the 1992 September 30 report of the City Treasurer regarding levy payments to the Boards of Education, be forwarded to the Boards of Education for their comments. (Copies of this report were distributed to members of the Finance and Administration Committee and are available from the Committee Secretary upon request.)
- (ii) That the Boards of Education be requested to provide their comments to the Finance and Administration Committee by the end of 1992 December.

11. CITY CLERK**(a) Taxi Flat Rates**

The Committee was in receipt of an information report from the City Clerk dated 1992 October 1, respecting flat rates - Veteran's Taxi - Earth Song, as per the Committee's request.

Some discussion ensued with respect to this matter, and the Committee agreed to receive this report for information purposes.

(b) Amendments to Smoking By-laws 80-258 and 89-370

The Committee was in receipt of a report from the City Clerk dated 1992 October 1, respecting the above-noted matter and approved the following:

That Smoking By-Law 80-258, Smoking in Public Areas and By-Law 89-370, Smoking in the Workplace be amended to provide for:

- (i) A minimum symbol diameter of seven inches and a minimum letter size of 1/4 inch on all smoking control signs sold after 1993 January 1.
- (ii) All required signs to be posted at the entrance and exits of every premises regulated by the By-laws and also be conspicuously posted throughout the premises so as to be clearly visible from all parts of the premises.
- (iii) Any sign which complied with the requirements of the By-law prior to 1993 January 1, to continue to be used until the sign's condition requires the sign to be replaced.

The Committee also approved the draft bill for submission to City Council.

12. MAYOR'S RACE RELATIONS COMMITTEE

Advisory Committee on Equitable Representation

The Committee was in receipt of a report from the Secretary of the Mayor's Race Relations Committee dated 1992 September 30, and approved the following:

That the membership of the Advisory Committee on Equitable Representation be increased by one, and that the Chairperson of the Mayor's Race Relations Committee's Commissions Sub-Committee, Mr. William Shaffir, be appointed to this Committee.

13. CHIEF ADMINISTRATIVE OFFICER & TREASURER

Information Report - Mayor's transportation

The Committee was in receipt of an Information Report from the Chief Administrative Officer and the Treasurer, dated 1992 September 30, respecting the above-noted matter.

Following a considerable amount of discussion with respect to this matter, it was agreed that no change would be made to the existing arrangements whereby the Mayor has access to a car and a driver.

It was agreed, however, that during the 1993 budget discussions, that consideration would be given on the merits of the second car.

ADDED

Funding - Creative Playground Equipment for Confederation Park

The Committee was in receipt of an Added Report from the Treasurer dated 1992 October 7, respecting the above-noted matter, and approved the following:

That as referred to in Section 4 of the Eighteenth Report of the Parks and Recreation Committee, the temporary financing required for creative playground equipment for Confederation Park in the amount of \$10,000. be funded from the Reserve for Capital Projects Account Centre No. CH00203.

ADDED

Information Report - Monthly Automatic Payment Plan for City of Hamilton Realty Tax Payers

The Committee was in receipt of an Information Report from the Treasurer and Director of Information Systems respecting the above-noted matter.

Information packages were distributed by the Committee Secretary to members in attendance.

CONSENT AGENDA - ITEMS PULLED FOR DISCUSSION

(b) City Clerk

(i) Lung Association Flag

The Committee was in receipt of a report from the Acting City Clerk, dated 1992 September 25, respecting the request for the flying of the Lung Association flag.

Following discussion, it was agreed to amend this report to allow the flying of this flag for a one month period only, as follows:

- (A)** That approval be given for the Lung Association of Hamilton-Wentworth to fly the Lung Association flag for one month to promote the Lung Association Christmas Seal Campaign; and
- (B)** That the City Clerk be granted the authority to approve of a similar use in future years, provided it does not interfere with any other activity.

(iii) Use of City Hall Meeting Rooms

The Committee was in receipt of a report from the City Clerk dated 1992 October 1, respecting the above-noted matter.

The Committee approved the following:

That approval be given to the Canada Employment and Immigration Union, Women's Branch, to use City meeting room numbers 233 and 264 for the purpose of a seminar/workshop presentation on "Violence Against Women" and the provision of daycare on Saturday, 1992 October 24 from 9:00 a.m. - 4:30 p.m. and Sunday, 1992 October 25 from 9:00 a.m. - 2:00 p.m.

Alderman Copps opposed.

C (v) Appointment of Sales Tax Auditor

Alderman Copps questioned the process used in making the recommendation for the appointment of the Sales Tax Auditor. It was agreed that this item would be tabled in order to allow the Treasurer to report back on the process.

4. ALDERMAN D. AGOSTINO**Realty Tax Deferred**

The Committee considered the above-noted matter, and were in receipt of a recommendation from Alderman Agostino dated 1992 October 1, along with an Information Report from the Treasurer dated 1992 September 18 on this matter.

The Committee approved the following:

- (a) That the City of Hamilton petition the Province of Ontario to consider adopting a Land Tax Deferral Program, similar to the program used by the City of Vancouver, in order to provide relief for those taxpayers experiencing financial difficulties, while still maintaining municipalities' necessary operating funds; and
- (b) That the Information report from the Treasurer dated 1992 September 18th be forwarded with the request to the Province; and
- (c) That the Association of Municipalities of Ontario be requested to support this petitioning.

PRIVATE AND CONFIDENTIAL AGENDA

The Committee did not go into an In-Camera session to consider this agenda, but rather, made the following approvals:

AA. COMMISSIONER OF HUMAN RESOURCES**(i) Joint Job Evaluation Memorandum of Agreement - IUOE 772**

The Committee approved the following:

That the Memorandum of Implementation dated 1992 September 9, for a Joint Job Evaluation Programme between the Corporation of the City of Hamilton and the International Union of Operating Engineers Local 772 be approved and implemented in accordance with the terms therein.

BB. CITY SOLICITOR AND DIRECTOR OF PUBLIC WORKS**Offer to Settle**

That the Plaintiffs Offer to Settle in Ontario Court (General Division) Action No. DC4236\86, dated 1992 September 16th, not be accepted.

Note: Alderman Copps claimed an interest in this matter, since her daughter is mentioned in the report.

16. ADJOURNMENT

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN T. COOKE, ACTING CHAIRPERSON
FINANCE AND ADMINISTRATION COMMITTEE'

Handwritten signature of Susan K. Reeder in cursive script.

Susan K. Reeder

Secretary

1992 October 8

CITY OF HAMILTON
- RECOMMENDATION -

B.

DATE: 1992 October 8

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Stella M. Glover, Secretary
Hamilton Farmers' Market Sub-Committee

SUBJECT: Application to Enclose Stand #140-143
at Hamilton Farmers' Market

RECOMMENDATION:

That approval be given to the request of Mr. Carmelo Chairelli of Carmen King Bulk Foods to install a curtain type enclosure at Stand No. 140-143 at the Hamilton Farmers' Market.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

Stella Glover

BACKGROUND:

On 1992 October 07 Mr. Carmen Chiarelli attended before the Farmers' Market Sub-Committee, at the request of the Sub-Committee, to make application to enclose Stand No. 140-143 which he operates at the Hamilton Farmers' Market.

Re: Application to Enclose Stand #140-143

The Committee noted that Mr. Chiarelli was applying for permission retroactively as he had already enclosed his stand in contravention of Market By-law #81-180 which states:

"Form 1 (Section 6(3) 8. That any stand(s) assigned to me (us) is (are) owned and in possession of the City of Hamilton at all times and I (we) have been given the privilege only of occupying or using the stand(s).

No. 15 sec. 9 Not affix signs, placards, posters or any other material, in any way, to the building or any part thereof without prior approval of the Market Manager".

The Market Manager advised the Committee of her concerns with regard to this enclosure including:

1. A precedent may be set for other stallholders to similarly enclose their stands which could destroy the open concept of the market and could ultimately lead to the installation of walls, doors and locks. This could result in the City losing control and would become like a retail outlet.
2. The air circulation at the Market could be interfered with as the curtain could prevent a clear flow of air.

The Committee were advised that similar installation were in place at the London and Kitchener Markets. They also noted that the curtain in question was well below the air ducts and therefore would not restrict the air circulation at the Market.

Representatives of the Stallholders Association said they had met and checked the installation and did not feel it was a problem, especially as it was located at the end of the building and would provide some security for the stallholder.

After consideration, and in view of the foregoing, the Farmers' Market Sub-Committee made the foregoing recommendation.

The Sub-Committee also directed that a letter be sent to all stallholders at the Hamilton Farmers' Market advising that any future applications for similar installations must be made to the Farmers' Market Sub-Committee and that, unless approval is given before the structure is installed, the application will be denied.

cc: Alderman D. Agostino, Chairperson
Hamilton Farmers' Market Sub-Committee

S. Miller, Market Manager

C (i)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 October 15

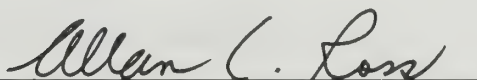
REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Allan C. Ross
Treasurer

SUBJECT: CITY'S SHARE OF "EDAN HEIGHTS - PHASE 3"
SUBDIVISION - FINANCING

RECOMMENDATION:

That the City's share of "Edan Heights - Phase 3" Subdivision , at a cost of \$2,250.00, be financed from Centre No. CH 00107 - "Reserve for Services Through Unsubdivided Lands".


Allan C. Ross

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The net amount to be financed for all 1992 projects related to subdivision expenditures, including this recommendation, is \$1,627,882.46. The 1992 Capital Budget includes a provision of \$800,000 for the City's share of subdivision expenditures in 1992. With the approval of this recommendation the City's share of the cost would be exceeded by \$827,882.46.

BACKGROUND:

The Transport and Environment Committee will be considering a report on this purchase at their meeting of 1992 October 19.

NRA:jc

c.c. E. M. Gill, Senior Director, Roads Department
Attention: Mr. G. Aston
K. Christenson, Secretary, Transport and Environment Committee

C (ii)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 October 15

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Allan C. Ross
Treasurer

SUBJECT: INCREASED COSTS FOR THREE LOCAL IMPROVEMENT
PROJECTS:

- (1) Upper Paradise east side from Stone Church Road to 187m southerly and from 86m south of Skyview Drive to 83m southerly.
- (2) Upper Kenilworth Avenue east side from Landron to Limeridge.
- (3) Limeridge Road south side from Upper Wellington to 263m easterly and from 376m east of Upper Wellington to 69m easterly.

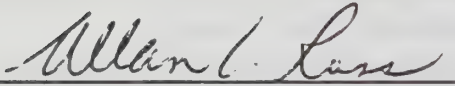
RECOMMENDATION:

That the City Solicitor be authorized to make application to the Ontario Municipal Board for approval to construct the following projects:

- 1) Upper Paradise Road east side from Stone Church Road to approximately 187 m southerly and from approximately 86 m south of Skyview Drive to approximately 83 m southerly - independent concrete sidewalk at an estimated gross cost be revised from \$27,700 (OMB No. E920755 dated 28th August, 1992) to \$47,700 with a City's share being revised from \$7,964 to \$27,964 with an additional cost of City's share of \$20,000 to be financed from 1992 Capital Levy and the balance of \$19,736, being the Owner's share, remaining unchanged, to be financed by the issuance of debenture for a period not to exceed 20 years.
- 2) Upper Kenilworth Avenue east side from Landron to Limeridge - concrete curb at an estimated cost of \$46,100, being the City's share be revised to \$56,100 with an additional cost of the City's share of \$10,000 to be financed from 1992 Capital Levy.

RECOMMENDATION: - Continued

- 3) Limeridge Road south side from Upper Wellington Street to approximately 263m easterly and from approximately 376m east of Upper Wellington Street to approximately 69m easterly - independent concrete sidewalk at an estimated gross cost be revised from \$50,000.00 to \$60,000.00, with a City's share being revised from \$25,588.80 to \$35,588.80 with an additional cost of the City's share of \$10,000.00 to be financed from 1992 Capital Levy and the balance of \$24,411.20, being the owner's share remaining unchanged, to be financed by the issuance of debenture for a period not to exceed 20 years.



Allan C. Ross

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See above recommendation. The project is included in the 1992-2001 Capital Budget Program.

BACKGROUND:

This item is to be considered by the Transport and Environment Committee on October 19, 1992.

c.c. K. Christenson, Secretary, Transport and Environment Committee
D. Lobo, Director of Public Works, Attention: Mr. R. Meiers
P. Noé Johnson, City Solicitor
G.W. Lawson, Treasurer and Commissioner of Finance, Region,
Attention: Mr. G. Davis

D.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 October 16

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

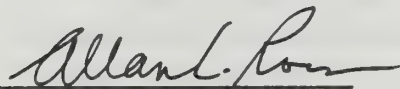
FROM: Allan C. Ross
Treasurer

D. Lobo
Director of Public Works

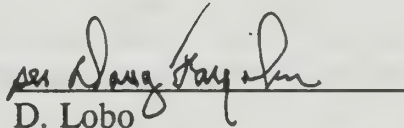
**SUBJECT: SPECIAL CAPITAL GRANT TO McMASTER UNIVERSITY FOR
JOINT COMMUNITY SPORTS DEVELOPMENT PROJECT**

RECOMMENDATION:

That McMaster University be provided with a special sport subsidy of \$25,000 for the upgrading of sports fields for the hosting of the World University Games - Women's Soccer and the agreed community access to campus fields to be financed from Account Centre No. CF 629254007 Baseball Facilities Development.



Allan C. Ross


D. Lobo

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As above.

BACKGROUND:

As a component project within the 1992-1996 Capital Budget, City Council approved a three-year funding package for the development of active recreational facilities. The funding was approved as follows:

1992 - \$400,000
1993 - \$500,000
1994 - \$600,000

The focus of this project is the development of baseball facilities at Turner and Olympic Park. However, within the 1994 allocation, a measure of flexibility has been built into the project to facilitate development of other active recreational facilities such as soccer fields. The impetus for this entire project has been driven by the need to replace active recreational elements which are being removed from neighbourhood parks across the City.

1992 October 16

Susan K. Reeder, Secretary
Finance and Administration Committee - Page 2

BACKGROUND: - continued

By joining McMaster University in their programme to upgrade three of the universities existing soccer fields, the City of Hamilton will have programming rights on these fields. Through this opportunity, the City's soccer programme will receive sufficient relief to allow for the decommissioning of a soccer field in Churchill park.

Removing a soccer field from Churchill Park will greatly reduce the tensions which area residents have expressed with respect to the overuse which this park receives from community based active recreational pursuits. Also, removing the soccer field allows a component of Churchill Park to be developed in the future through the Park Development and Redevelopment Programme, to function as a neighbourhood park.

Allocating the funds required to join McMaster University from the 1992 portion of the approved facility development project will not jeopardize or delay any aspect of the approved scope of work. In fact, the financial commitment required by the City of \$25,000 is a low cost investment in comparison to the programming opportunities which the City will receive through the joint venture.

In addition, this course of action will resolve a long standing concern of those residents in the vicinity of Churchill Park by decommissioning a portion this park to meet their needs.

Some of the details of the project are outlined in the attached letter from Bob Sugden, Director of Culture and Recreation, dated October 15, 1992.

NRA/an
Att'd

c.c. Joe Pavelka, Chief Administrative Officer
Kevin Christenson, Secretary, Parks and Recreation Committee

4 (c)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 October 15

REPORT TO: Mr. Kevin C. Christenson, Secretary
Parks and Recreation Committee

FROM: Mr. Bob Sugden
Director of Culture and Recreation

SUBJECT: Special Capital Grant to McMaster University for
Joint Community Sports Development Project

RECOMMENDATION:

- a) That the City of Hamilton provide a Capital Grant of \$25,000.00 to McMaster University for upgrading campus sports fields to accommodate World-University Games - Women's Soccer.
- b) That this funding be conditional on McMaster University allowing community access to the campus sports fields.
- c) That this funding be conditional on the Province of Ontario and McMaster University providing the balance of \$75,000.00 required to upgrade the campus sports fields.
- d) That the Finance and Administration Committee be requested to recommend a method of financing.


Robert Sugden

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funding account subject to approval of the Finance and Administration Committee. This amount is supported by the Staff Capital Budget Sub-Committee.

Mr. Kevin Christenson, Secretary
Parks & Recreation Committee

1992, October 15

BACKGROUND:

McMaster University will hold the Women's Soccer events of the World University Games hosted by Buffalo, New York in 1993.

Various fields at McMaster University are used to a limited degree due to poor irrigation and lighting. Very limited community access to these fields are available due to long recovery periods after University use.

The community use of McMaster will alleviate pressure on field use in West Hamilton especially focused at Churchill fields.

Without renovations to Les Prince Field no competition matches will be held in Hamilton. Future use and special event access will be possible with the upgrades. McMaster University has signed a Community Use Agreement with the Province of Ontario, Ministry of Tourism and Recreation, and has agreed to \$25,000.00, subject to the City of Hamilton's contribution.

BS:mp

c.c. J. Pavelka, Chief Administration Officer
A. Ross, City Treasurer
Susan Reeder, Secretary, Finance & Administration Committee

E (i)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 October 14

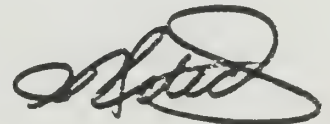
REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: J.J. Schatz
City Clerk

SUBJECT: United Nations Association - Proclamation

RECOMMENDATION:

1. That approval be given to the request of the United Nations Association to use the forecourt, or the Council Chamber in the event of inclement weather, from 2:00 p.m. - 3:30 p.m. on Saturday, 1992 October 24 for a proclamation ceremony for the observance of United Nations Day.
2. That the City Clerk be granted the authority to approve of a similar use in future years provided it does not interfere with any other activity.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds for staff overtime associated with this event in the approximate amount of \$120.00 will be taken from account CH55222-10034 which will increase the overdraft in this account to approximately \$3,900.00. However, the bottom line total of the five accounts relating to hostings and receptions is within budget.

BACKGROUND:

This Proclamation Ceremony is an annual event organized by the United Nations Association and the Mundialization Committee. In previous years the event has been held in the Council Chamber, however the United Nations Association feel that a daylight celebration in front of City Hall, weather permitting, will enable them to reach more people this year.

cc: Mayor's Office
Rob Swan, Manager, Property Maintenance Division
Information Desk
File

E (ii)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 October 14

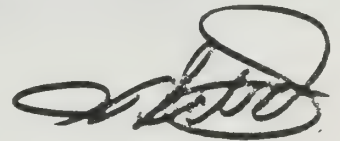
REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: J.J. Schatz
City Clerk

SUBJECT: Boy Scouts Apple Days

RECOMMENDATION:

1. That approval be given to the action taken by the City Clerk in authorizing Scouts Canada to use an area of the City Hall forecourt to park a vehicle for the distribution of apples and the provision of access to first floor washrooms during Scouts Canada Apple Days from 2:00 p.m. on Friday, October 16 until 2:00 p.m. on Saturday, October 17.
2. That the City Clerk be granted the authority to approve of a similar use in future years provided it does not interfere with any other activity.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds for staff overtime associated with this event in the approximate amount of \$124.00 will be taken from Account CH55222-10034 which will increase the overdraft in this account to approximately \$3700.00. However, the bottom line total of the five accounts relating to hostings and receptions is within budget.

Finance and Administration Committee
Re: Boy Scouts Apple Day

... 2

BACKGROUND:

In the past Scouts Canada have used a local Church as a distribution point for their Apple Days. However, problems have arisen with this location at the eleventh hour and Scouts Canada have asked City Hall to assist them with a distribution point and washroom access for this year.

cc: Mayor's Office
Rob Swan, Manager, Property Maintenance Division
Guy Corsini, Parking Authority
Information Desk
File

E
(iii)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 October 15

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: J.J. Schatz
City Clerk

SUBJECT: The MAD Creative Art School Display

RECOMMENDATION:

1. That approval be given to the request of the MAD Creative Art School to use the east and west areas of the second floor lobby from 1992 November 2 - 13 for a children's art display entitled "Our Community Our Earth".
2. That the City Clerk be granted the authority to approve of a similar use in future years provided it does not interfere with any other activity.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The art display will consist of approximately 50 paintings done by children aged 9-12. This will be the first time that the MAD Creative Art School have displayed work at City Hall.

cc: Mayor's Office
Rob Swan, Manager, Property Maintenance Division
Information Desk
File

CITY OF HAMILTON
- RECOMMENDATION -

E.
(iv)

DATE: 1992 October 14

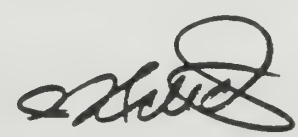
REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: J.J. Schatz
City Clerk

SUBJECT: Dictionary of Hamilton Biography - Use of Council Chamber

RECOMMENDATION:

1. That approval be given to the request of the Editor in Chief of the Dictionary of Hamilton Biography to use the Council Chamber on Friday, 1992 November 20 at 8:00 o'clock p.m. for a book launching and reception.
2. That the City Clerk be granted the authority to approve of a similar use in future years provided it does not interfere with any other activity.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The approximate amount of \$275.00 to provide a reception in the form of coffee, juice and cookies will be taken from account CH55313-84010 - Receptions, City Hall.

BACKGROUND:

The Dictionary of Hamilton Biography plan to bring out Volume III in their series on Hamilton and district noteworthies at this proposed book launching. The previous 2 volumes were brought out at similar book launchings at City Hall. It is anticipated that there will be approximately 150 people present at this event.

cc: Mayor's Office
Rob Swan, Manager, Property Maintenance Division
Information Desk
File

F. (i)

CITY OF HAMILTON
- INFORMATION -

DATE: 1992 October 16

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Mr. John Johnston
Commissioner of Human Resources

SUBJECT: Hamilton Professional Fire Fighters Arbitration Award
(C-052-092)

BACKGROUND:

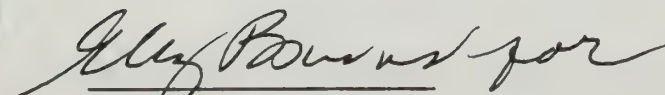
The City of Hamilton has received the award of arbitrator Martin Teplitsky setting the terms of the Collective Agreement between the City and the Hamilton Professional Fire Fighters Association for 1991 and 1992.

The award gives wage increases of 4.7% effective January 1, 1991, 1.5% effective July 1, 1991 and a further 5% effective January 1, 1992. These increases match those which had previously been negotiated with the Hamilton-Wentworth Regional Police and follows the historical pattern which exists in this municipality of parity between firefighter and police wages. The arbitrator also awarded a 2% increase to the rate received by lieutenants as well as a \$40 per annum increase to the employees dry cleaning allowance.

The arbitrator declined to award the firefighters requests for enhancements to life insurance or retiree benefits, early retirement allowances, or a premium for defibrillator technicians.

FINANCIAL IMPLICATIONS:

The financial impact of this award had been anticipated by the Fire Department and included in its budgets for the relevant years.


John Johnston

IN THE MATTER OF AN ARBITRATION

B E T W E E N :

CITY OF HAMILTON

- and -

HAMILTON PROFESSIONAL FIREFIGHTERS
ASSOCIATION

- Interest Arbitration

BOARD:

Martin Teplitsky, Q.C.
Chairman

Jeffrey Sack, Q.C.
Association Nominee

William Hayter
Corporation Nominee

APPEARANCES:

On behalf of the Association: Elliott Hastings, Ron Bowman
Larry Staples, Henry Watson,
G. Ross Smith

On behalf of the Corporation: Stephen A. McArthur

Hearing held November 26, 1991 in Hamilton.

A W A R D

COMMUNICATIONS DIVISION (ASSOCIATION)
GRIEVANCE PROCEDURE (ASSOCIATION)

The parties have agreed on these matters.

PROMOTIONS, SENIORITY AND TRANSFERS
(CORPORATION AND ASSOCIATION)

The parties shall discuss these matters further. If agreement is not reached within six months, they shall provide us with specific proposals if so advised, in which event a further hearing may be scheduled.

PAID-UP LIFE INSURANCE AND RETIREE BENEFITS
(ASSOCIATION)

In light of the total compensation resulting from this award, these requests are denied at this time.

MEMBERSHIP PROVISION (CORPORATION)

This demand is denied.

TECHNOLOGICAL CHANGE (ASSOCIATION)

This issue should be left to the next round of negotiations.

PHYSICAL FITNESS (CORPORATION)

Although all parties endorse the desirability of physical fitness, I agree with those awards, in both the police and

firefighter fields, which make it plain that mandatory physical fitness testing is not appropriate. The parties are free, however, to adopt voluntary measures, on a co-operative basis, to enhance physical fitness.

INCLEMENT WEATHER (ASSOCIATION)

The Association proposes a clause prohibiting non-emergency work when there is a humidex or wind chill factor between 45 degrees and 86 degrees fahrenheit. The Corporation says the proposed provision is unnecessary because it does not assign non-emergency work in such conditions, and the matter is covered by OHSA, which requires employers to take reasonable precautions for the protection of workers. At the hearing, counsel for the Corporation also stated that complaints are arbitrable under the Collective Agreement.

In my view, common sense should prevail in situations where weather is so inclement that it would be dangerous to health and safety or sufficiently uncomfortable to render it foolish to require employees to perform non-emergency work. Where an instruction is given which constitutes an abuse or an improper exercise of discretion, a grievance can be launched under the Collective Agreement dealing with the matter on the basis of specific conditions which exist at the time such an order is given. This is the effect of Article 18.3, and of the decision of the Ontario Court of Appeal in Metropolitan Toronto v. CUPE (1990), 74

O.R. (2d) 239.

MAINTENANCE OF LAWNS (CORPORATION)

This demand is denied.

EARLY RETIREMENT ALLOWANCES (ASSOCIATION)

We do not have enough information about the implications of this proposal, and accordingly are not in a position to make an award on the issue.

WORKERS' COMPENSATION PAYMENTS,
LONG SERVICE PAY (CORPORATION)

It is not appropriate to alter these arrangements, and I
so award.

DEFIBRILLATOR TECHNICIANS (ASSOCIATION)

In the current economic climate, I do not think it would be appropriate to make a mandatory adjustment for additional defibrillation skills at this time. This should not be construed, however, as an expression of view or as an adjudication on the merits of this demand.

EXCESS FUNDS AND OMERS (ASSOCIATION)

There is an outstanding issue dealing with excess funds held by OMERS. The Board will remain seized if the parties are unable to agree on the use of these funds because OMERS' position has been that there can be no disposition without agreement between

the Corporation and the Association.

FIRE COLLEGE ATTENDANCE (CORPORATION)

A specific clause is not necessary. This request is denied.

CLOTHING (CORPORATION AND ASSOCIATION)

The clothing allowance will be increased from \$60 to \$100. Differences as to the language of the clothing provision shall be referred to the parties for further discussions for a period of 90 days, following which the matter may be submitted to us for disposition in the event that an impasse continues.

DIFFERENTIALS (ASSOCIATION)

The Association proposes that all of the Lieutenants, who are currently paid at 108% of a first-class firefighter rate, be upgraded to the rank of Captain at 115%, and that current captains be grandfathered at the existing rate of 118%. Because of the current economic climate, this is not an appropriate time to entertain this proposal. However, at 108%, the rate paid to the Lieutenant is out of line, even with Lieutenants elsewhere in the province, and it should be increased to 110%. I so award.

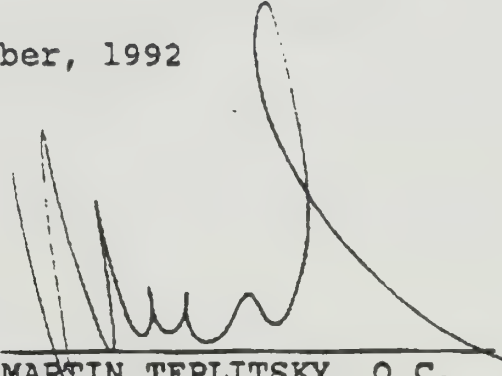
SALARIES (CORPORATION AND ASSOCIATION)

In determining salaries, it is necessary to take into account the levels paid to comparable firefighters and to police


living and working in the same community. The salaries of these groups already reflect the economic climate and are the best yardstick for assessing what is appropriate. Accordingly, the salary of a first class firefighter shall be increased by 4.7% on January 1, 1991, by a further 1.5% on July 1, 1991, and by a further 5% on January 1, 1992. All other ranks shall be adjusted accordingly. The interim increase, which was awarded earlier, shall be deducted from retroactivity.

The Board remains seized in the event of issues arising in the implementation of this award.

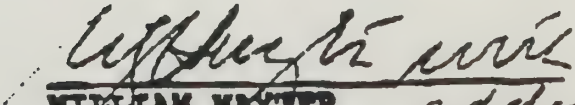
DATED the 6th day of October, 1992



MARTIN TEPLITSKY, Q.C.
Chairman



JEFFREY SACK, Q.C.
Association Nominee



WILLIAM KAYTER
Corporation Nominee

CITY OF HAMILTON
- RECOMMENDATION -

F (ii)

DATE: 1992 October 9

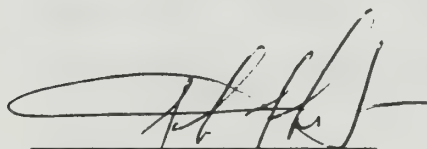
REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Mr. John Johnston
Commissioner of Human Resources

SUBJECT: The Hand Association of Sewer, Watermain and Road
Contractors and the International Union of Operating
Engineers, Local 793(C-051-092)

RECOMMENDATION:

That the contract settlement of the Hand Association of Sewer, Watermain and Road Contractors and the International Union of Operating Engineers, Local 793 be received pursuant to the Fair Wage Policy of the City of Hamilton.



John Johnston

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Attached.

SCHEDULE "A"

THIS SCHEDULE APPLIES TO ROAD WORK

When a project is a mixed or of combination nature involving sewer and/or watermain and road work, the line of demarcation between the two facets of work, sewer and/or watermain and road building will be determined by the following formula: -

Excavating for pipe, pipe laying, backfilling of pipe excavation and compaction to subgrade shall be governed by Schedule "B".

Duration of Agreement - July 1, 1992 to June 30, 1995

Hours of Work and Overtime

The standard hours of work for all employees shall be based on fifty (50) hours a week, exclusive of travelling time to and from the job.

Overtime at the rate of time and one-half (1-1/2) the employee's current hourly rate shall be paid to all employees for all work performed in excess of ten (10) hours per day or in excess of fifty (50) hours per week and on Saturdays. (overtime will only be paid once for the same hour). Double (2) time will be paid for Sundays and holidays.

A shift premium of One Dollar and Twenty-Five Cents (\$1.25) per hour will be paid for all work performed on a regularly scheduled second or third shift on a project.

1. Shovels, backhoes, draglines, gradalls, clams (on site), Grader "A", fine grade bulldozer, Pitman type cranes.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
Aug.4, 1992	22.95	2.30	1.11	2.67	29.03
May 1, 1993	23.59	2.36	1.21	2.87	30.03
May 1, 1994	24.23	2.42	1.31	3.17	31.13

2. Clams (yard operation), mechanics, welders.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
Aug.4, 1992	22.15	2.22	1.11	2.67	28.15
May 1, 1993	22.79	2.28	1.21	2.87	29.15
May 1, 1994	23.43	2.34	1.31	3.17	30.25

3. Hydra-lift truck mounted hydraulic cranes.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
Aug.4, 1992	21.95	2.20	1.11	2.67	27.93
May 1, 1993	22.59	2.26	1.21	2.87	28.93
May 1, 1994	23.23	2.32	1.31	3.17	30.03

4. Curb Machine, self-propelled power drills, hydraulic, etc., bulldozer operators, front end loader operators, scrapers (self-propelled), dozer 815 type.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
Aug.4, 1992	21.81	2.18	1.11	2.67	27.77
May 1, 1993	22.45	2.24	1.21	2.87	28.77
May 1, 1994	23.09	2.30	1.31	3.17	29.87

5. Mixer man on asphalt plant.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
Aug.4, 1992	21.75	2.18	1.11	2.67	27.71
May 1, 1993	22.39	2.24	1.21	2.87	28.71
May 1, 1994	23.03	2.30	1.31	3.17	29.81

6. Concrete paver operator (over 1 cu.yd.), asphalt planer operators.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
Aug.4, 1992	21.71	2.17	1.11	2.67	27.66
May 1, 1993	22.35	2.23	1.21	2.87	28.66
May 1, 1994	22.99	2.29	1.31	3.17	29.76

7. Engineers on boilers (with papers).

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
Aug.4, 1992	21.69	2.17	1.11	2.67	27.64
May 1, 1993	22.33	2.23	1.21	2.87	28.64
May 1, 1994	22.97	2.29	1.31	3.17	29.74

8. Farm and industrial type tractor operators with excavating attachments, grader operator 'B', asphalt rollerman, concrete paver operators (up to and including 1 cu.yd.), asphalt spreader operators (self-propelled), snippers, hydro axe and tree farmer, feller buncher, hydro shear, trenching machines, caisson boring machines under 25 H.P., lubrication unit operator, skid steer loaders, Kabota skid steer loaders, Kabota bobcat type excavators and those less than 65 H.P. and similar types, skidder type equipment with hydraulic and cable attachments.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
Aug.4, 1992	21.55	2.16	1.11	2.67	27.49
May 1, 1993	22.19	2.22	1.21	2.87	28.49
May 1, 1994	22.83	2.28	1.31	3.17	29.59

9. Boiler fireman (without papers), burnerman on asphalt plant.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
Aug.4, 1992	21.15	2.11	1.11	2.67	27.04
May 1, 1993	21.79	2.17	1.21	2.87	28.04
May 1, 1994	22.42	2.24	1.31	3.17	29.14

10. Roller Operator (asphalt) 'B', mobile sweeper.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
Aug.4, 1992	20.85	2.08	1.11	2.67	26.71
May 1, 1993	21.49	2.14	1.21	2.87	27.71
May 1, 1994	22.12	2.21	1.31	3.17	28.81

11. Farm and industrial type tractor, (towed and self-propelled compaction units), grade rollerman, including self-propelled rubber tired rollers.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
Aug.4, 1992	20.59	2.06	1.11	2.67	26.43
May 1, 1993	21.23	2.12	1.21	2.87	27.43
May 1, 1994	21.87	2.18	1.31	3.17	28.53

SCHEDULE "B"

THIS SCHEDULE APPLIES TO "OPEN-CUT" WORK FOR SEWER AND WATERMAIN CONSTRUCTION

"Open-cut" work for sewer and watermain is defined as all sewer and watermain work outside the property line, of all Industrial, Commercial and Institutional Construction. This shall include sewer and watermain work on residential subdivision work but shall not include site preparation if tendered as a separate contract.

Hours of Work and Overtime

The standard hours of work for all employees shall be based on fifty (50) hours a week, exclusive of travelling time to and from the job.

Overtime at the rate of time and one-half (1-1/2) the employee's current hourly rate shall be paid to all employees for all work performed in excess of ten (10) hours per day or in excess of fifty (50) hours per week (Overtime will only be paid once for the same hour). Double (2) time will be paid for Saturdays, Sundays and holidays.

A shift premium of One Dollar and Twenty-Five Cents (\$1.25) per hour will be paid for all work performed on a regularly scheduled second or third shift on a project.

1. Engineers operating cranes, clams, backhoes, derricks, pile-drivers, gradalls, mobile cranes, caisson boring machines 25 H.P. and over, sidebooms and similar equipment, Pitman type cranes. Grader Operator "A" and fine grade bulldozer operator.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
Aug.4, 1992	23.58	2.36	1.11	2.67	29.72
May 1, 1993	24.22	2.42	1.21	2.87	30.72
May 1, 1994	24.86	2.48	1.31	3.17	31.82

2. Heavy Duty Field mechanics and equipment repair welders.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
Aug.4, 1992	22.54	2.25	1.11	2.67	28.57
May 1, 1993	23.18	2.31	1.21	2.87	29.57
May 1, 1994	23.81	2.38	1.31	3.17	30.67

3. Hydra-Lift truck mounted hydraulic cranes.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
Aug.4, 1992	22.49	2.25	1.11	2.67	28.52
May 1, 1993	23.13	2.31	1.21	2.87	29.52
May 1, 1994	23.77	2.37	1.31	3.17	30.62

4. Operators of bulldozers, tractors, scrapers, emcos, grader "B", overhead loaders or similar equipment, farm and industrial tractors with excavating attachments, trenching machines, caisson boring machines under 25 H.P., snippers, hydro axe and tree farmer, feller buncher, hydro shear, lubrication unit operator, skid steer loaders, Kabota skid steer loaders, Kabota Bobcat type excavators and those less than 65 H.P. and similar types, skidder type equipment with hydraulic and cable attachments, curb machines and self-propelled power drills, hydraulic, etc.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
Aug.4, 1992	22.44	2.24	1.11	2.67	28.46
May 1, 1993	23.08	2.30	1.21	2.87	29.46
May 1, 1994	23.71	2.37	1.31	3.17	30.56

5. Servicemen on shovels, compressors, pumps, self-propelled rollers, boom truck drivers, operators of 5 or more heaters.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
Aug.4, 1992	21.33	2.13	1.11	2.67	27.24
May 1, 1993	21.97	2.19	1.21	2.87	28.24
May 1, 1994	22.60	2.26	1.31	3.17	29.34

6. Oilers, greasers, mechanics helpers.

Third Year

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
Aug.4, 1992	20.93	2.09	1.11	2.67	26.80
May 1, 1993	21.57	2.15	1.21	2.87	27.80
May 1, 1994	22.20	2.22	1.31	3.17	28.90

Second Year

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
Aug.4, 1992	19.93	1.99	1.11	2.67	25.70
May 1, 1993	20.57	2.05	1.21	2.87	26.70
May 1, 1994	21.20	2.12	1.31	3.17	27.80

First Year

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
Aug.4, 1992	18.93	1.89	1.11	2.67	24.60
May 1, 1993	19.57	1.95	1.21	2.87	25.60
May 1, 1994	20.20	2.02	1.31	3.17	26.70

SCHEDULE "C"

A schedule applying to Tunnel Work, which is to be interpreted to mean a project called as a Tunnel and does not include Tunnel Work which is incidental to Open-Cut Work, for Sewer and Watermain Construction.

Hours of Work and Overtime

Overtime at the rate of time and one-half (1-1/2) the employee's current hourly rate shall be paid to all employees, except watchmen, for all work performed in excess of forty-five (45) hours per week or nine (9) hours per day, Monday to Friday inclusive, excluding travelling time to and from the job, (and excluding work in compressed air where overtime at the rate of time and one-half (1-1/2) shall be paid for work in excess of nine (9) hours) the work week shall be deemed to commence at 12:01 a.m. Monday and terminating at 11:59 p.m. Friday. Where the work week commences at 7:00 a.m. Monday it is agreed and understood that on a three shift operation, the 15th shift may be worked at straight time on Saturday until 7:00 a.m. provided however, that the applicable shift premium shall be paid.

Subject to the provisions of paragraph 1.01 above, overtime at the rate of double (2) the employee's current hourly rate shall be paid to all employees for all work performed on Saturday.

Overtime at the rate of double (2) the employee's current hourly rate shall be paid to all employees for all work performed on Sundays and on the statutory holidays.

Employees shall be allowed a one-half hour unpaid lunch break between 11:30 a.m. and 1:00 p.m. It is understood that no employee shall be required to work more than five consecutive hours without a lunch break.

It is agreed that crane operators on production on a shaft or tunnel shall continue to be scheduled and paid for nine (9) hours per day.

A shift premium of One Dollar and Seventy Cents (\$1.70) per hour will be paid for all work performed on a regularly scheduled second or third shift on a project.

1. Engineers operating all hoists hoisting materials out of shafts, tuggers, and derricks with lifting capacity over 2,000 pounds, compressor house set-up man, self-propelled power drills, hydraulic, etc.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
Aug.4, 1992	23.55	2.36	1.11	2.67	29.69
May 1, 1993	24.19	2.42	1.21	2.87	30.69
May 1, 1994	24.83	2.48	1.31	3.17	31.79

2. Heavy Duty Field Mechanics.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
Aug.4, 1992	22.75	2.28	1.11	2.67	28.81
May 1, 1993	23.39	2.34	1.21	2.87	29.81
May 1, 1994	24.03	2.40	1.31	3.17	30.91

3. Engineers operating shaft hoist, tuggers and derricks, 2,000 pounds or less, compressor operators 500 CFM or over.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
Aug.4, 1992	22.65	2.27	1.11	2.67	28.70
May 1, 1993	23.29	2.33	1.21	2.87	29.70
May 1, 1994	23.93	2.39	1.31	3.17	30.80

PREMIUM RATES IN COMPRESSED AIR

Air Pressure

1 to 14 lbs.
15 to 20 lbs.
21 lbs.
Over 21 lbs.

Premium Per Shift

\$ 14.50
\$ 18.00
\$ 22.00
\$ 1.50 per pound
over and above the
rate for 21 lbs.

SCHEDULE "D"

This Schedule applies to all Industrial, Commercial and Institutional Construction and also includes Equipment Rental and all Heavy Construction which is defined as all construction, reconstruction, repair, alteration, remodelling, renovation or demolition of any building, bridge, retaining wall, box culverts, open-cut tunnel work or any other structure and all excavation, site preparation, sewer and watermain within the property line. This shall also include dockwork and dams of any nature.

For all of the work performed in connection with the above, the Provincial Agreement between the Employer Bargaining Agency and the International Union of Operating Engineers, Local 793 shall apply in its entirety.

- 1.1 (a) Engineers operating cranes with a manufacturers rating of 200 ton capacity and over.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
May 1, 1990	23.90	2.39	0.80	2.55	29.44
May 1, 1991	25.17	2.52	0.85	3.10	31.64

- (b) Engineers operating: cranes with a manufacturers rating of 100 to 199 ton capacity.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
May 1, 1990	23.49	2.35	0.80	2.55	29.19
May 1, 1991	24.72	2.47	0.85	3.10	31.14

- (c) Engineers operating: skyway, climbing, G.C.I., hammerhead and kangaroo type cranes.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
May 1, 1990	23.26	2.33	0.80	2.55	28.94
May 1, 1991	24.26	2.48	0.85	3.10	30.64

- 1.2 (a) Engineers operating: all conventional and hydraulic type cranes, save and except those set out in Article 1.1 above, 15 ton capacity and over boom truck, clams, shovels, gradalls, backhoes, draglines, piledrivers, all power derricks, gantry cranes, caisson boring machines (over 25HP), and similar drill rigs, mine hoists, and all similar equipment working on land or water, overhead cranes, chimney hoists, multiple drum hoists, single drum hoists (over 12 stories), single drum hoists of manual friction and brake type, and all similar equipment, dredges-suction and dipper, hydraulic jacking equipment on vertical slip forms, hydraulic jacking poles, creter cranes, and hydraulic skoopers, heavy duty mechanics, qualified welders and 2nd Class Stationary Engineers and self-propelled hydraulic drills.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
May 1, 1990	22.97	2.30	0.80	2.55	28.62
May 1, 1991	23.97	2.40	0.85	3.10	30.32

(b) Pitman type cranes of 10 ton capacity and over.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
May 1, 1990	22.49	2.25	0.80	2.55	28.09
May 1, 1991	23.49	2.35	0.85	3.10	29.79

- 1.3 Operators of: air tuggers used for installation of vessels, tanks, machinery, and for steel erection; side booms on land or water; man and material hoist and single drum hoists 12 stories and under not of a manual friction and brake type; elevators, except as setout in Article 1.6, monorails, bullmoose type equipment of 5 ton capacity or over, air compressor feeding low pressure into air locks, tunnel mole. 3rd Class Stationary Engineer.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
May 1, 1990	22.19	2.22	0.80	2.55	27.76
May 1, 1991	23.19	2.32	0.85	3.10	29.46

- 1.4 Operators of: bulldozers (including 815 type), tractors, scrapers, graders, emcos, overhead and front-end loaders, side loaders, industrial tractors with excavating attachments, trenching machines, and all similar equipment, mobile pumpcretes, Pitman type cranes under 10 ton capacity, mobile pressure grease units; mucking machines, hydraulically operated utility pole hole digger, and Dinky locomotive type engines. 4th Class Stationary Engineers. Kubota Type Backhoe and Skid Steer Loader.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
May 1, 1990	22.03	2.20	0.80	2.55	27.58
May 1, 1991	23.03	2.30	0.85	3.10	29.28

- 1.5 Operators of: batching and crushing plants, 6" discharge pumps and over, wellpoint systems and all similar systems, concrete mixers of 1 cubic yard and over, gas, diesel, or steam driven generators over 50 HP (portable), fork lifts over 8' lifting height, air tuggers except those in Group 1.3, caisson boring machines (25HP and under), drill rigs, post hole diggers, portable air compressors 150 CFM and over, and concrete pumps. Signalman.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
May 1, 1990	19.87	1.98	0.80	2.55	25.21
May 1, 1991	20.87	2.09	0.85	3.10	26.91

- 1.6 Operators of: boom trucks, 'A' Frames, driver mounted compaction units, bullmoose type equipment under 5 ton capacity, fork lifts 8' and under in lifting height and conveyors. Firemen. Permanent automatically controlled elevators on Commercial and Institutional buildings.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
May 1, 1990	18.87	1.89	0.80	2.55	24.11
May 1, 1991	19.87	1.99	0.85	3.10	25.81

- 1.7 (a) Operators of: Pumps under 6" discharge where three (3) or more pumps are employed on the same job site, hydraulic jacking equipment for underground operations, portable air compressors under 150 CFM where attendant is required, and driver mounted power sweepers. Attendants for forced air, gas, or oil burning temporary heating units of 500,000 BTU's or over per hour, or, five (5) or more on the same job site, oilers, oiler-drivers, and mechanics helpers.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
May 1, 1990	17.68	1.77	0.80	2.55	22.80
May 1, 1991	18.68	1.87	0.85	3.10	24.50

(b) 2nd Year:

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
May 1, 1990	15.92	1.59	0.80	2.55	20.86
May 1, 1991	16.92	1.69	0.85	3.10	22.56

(c) 1st Year:

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
May 1, 1990	13.79	1.38	0.80	2.55	18.52
May 1, 1991	14.79	1.48	0.85	3.10	20.22

- 1.8 When an engineer is made responsible for supplying air on projects where employees are working under air pressure he shall receive a premium rate of Twenty-Five (25) Cents per hour over and above his normal rate of pay.

- 1.9 Working foremen to receive a minimum of Two Dollars (\$2.00) per hour above Class 1.2 (a) rate.

Excavation and Site Preparation

5.1 Wages

All employees engaged in excavating and Site preparation within the geographical area covered by this Schedule shall receive wage rates as outlined in Article 5.4 below: all other monetary benefits shall be as set out in this Schedule and the Master Portion of this Agreement.

5.3 Hours of Work and Overtime

(a) Notwithstanding the provisions of Article 15 and 16 of the Master Agreement, the following shall apply to employees engaged in excavating and site preparation.

(b) Hours of Work

The standard work week shall be fifty (50) hours from Monday to Friday inclusive. The standard work day shall not be more than ten (10) hours per day at straight time between 7:00 a.m. and 6:00 p.m. Such starting and quitting times may be varied by mutual agreement between the Union and Employer.

(c) Overtime

All time worked by an employee in excess of ten (10) hours per day Monday to Friday inclusive, shall be paid for at time and one-half (1-1/2) the regular hourly rate.

(d) All hours worked on Saturday and Sunday shall be paid for at double (2x) the regular rate.

5.4 (a) Engineers operating: draglines, cranes. Heavy Duty Mechanics.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
May 1, 1990	21.68	2.17	0.80	2.55	27.20
May 1, 1991	22.68	2.27	0.85	3.10	28.90

(b) Engineers operating: shovels, backhoes, hoptoes, gradalls and similar equipment, whip hammer, power mounted drill.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
May 1, 1990	21.21	2.12	0.80	2.55	26.68
May 1, 1991	22.21	2.22	0.85	3.10	28.38

(c) Welders.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
May 1, 1990	21.54	2.15	0.80	2.55	27.04
May 1, 1991	22.54	2.25	0.85	3.10	28.74

(d) Operators of: bulldozers (including 815 type), tractors, scrapers, emcos, graders, overhead loaders, front-end loaders, industrial tractors with excavating attachments, compressor operators. Kubota Type Backhoe and Skid Steer Loader.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
May 1, 1990	20.72	2.07	0.80	2.55	26.14
May 1, 1991	21.72	2.17	0.85	3.10	27.84

(e) Mechanic's helpers and Servicemen.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
May 1, 1990	18.91	1.89	0.80	2.55	24.15
May 1, 1991	19.91	1.99	0.85	3.10	25.85

(f) Oiler-Grademen and Oiler-Drivers.

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
May 1, 1990	18.45	1.84	0.80	2.55	23.64
May 1, 1991	19.45	1.94	0.85	3.10	25.34

(g) Compactors

	<u>Wages</u>	<u>Vacation Pay</u>	<u>Benefit Plan</u>	<u>Pension Plan</u>	<u>Total</u>
May 1, 1990	18.58	1.86	0.80	2.55	23.79
May 1, 1991	19.54	1.95	0.85	3.10	25.44

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CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 October 16

REPORT TO: Mrs. Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Mr. John Johnston
Commissioner of Human Resources

SUBJECT: Appointments To and Terminations From Permanent
Positions with the Corporation of the City of Hamilton
(C-050-092)

RECOMMENDATION:

That the attached listing of Appointments To and Terminations From Permanent Positions with the Corporation to October 14, 1992 be approved.


John Johnston

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The new positions identified on the appointments list have been provided for in the budgets of the respective departments.

The Senior Systems Analyst positions were first approved in November, 1988 as part of the reorganization of Information Systems; classification approval was provided in January, 1990. The rightsizing component of the 1991 budget provided the opportunity to implement part of that reorganization when a senior management position became vacant. Job duties were redistributed resulting in the deletion of one supervisory position; reassignment of staff; and the installation of the Senior Systems Analyst positions. The positions have been filled by current employees, whose previous positions will now be deleted.

The Coordinator of Senior Services and Food Services in the Culture and Recreation Department was approved May 26, 1992. Classification approval was granted September 29, 1992. It will be funded from the existing complement of positions in the Department.

BACKGROUND:

Attached.

THE CORPORATION OF THE CITY OF HAMILTON
TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Ms. Elizabeth Isajiw	Solicitor	Law	Resigned	1 year, 1 month	08/09/92
Mr. Charles Kirby	Entertainment Programming/ Sales Manager	H.E.C.F.I.	Terminated	1 year, 2 months	09/09/92
Mr. Neil McFadyen	Assistant Deputy Chief	Fire	Retired	38 years, 2 months	30/09/92
Ms. Carole Morin	Hospitality Sales Executive	H.E.C.F.I.	Resigned	5 months	28/09/92
Mr. Eric Storey	Motor Mechanic I	Public Works	Retired	11 years, 8 months	09/30/92
Ms. Mary Webb	Advertising Promotion & Public Relations Manager	H.E.C.F.I.	Downsized	16 years, 5 months	21/09/92

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. Robert Anderson	Senior Systems Analyst (I)	Information Systems	New Position Council Approved - January 30, 1990	\$56,217.72 to \$66,242.28	07/09/92
Mr. Allan Benson	Senior Systems Analyst (I)	Information Systems	New Position Council Approved - January 30, 1990	\$56,217.72 to \$66,242.28	07/09/92
Mr. David Bowley	Truck Driver (D-10)	Public Works	Replacing Mr. D. Ferguson - returned to former position	\$32,945.12	07/09/92
Mr. Scott Bowman	Gardener III (D-7)	Public Works	Replacing Mr. D. Bowley - promoted	\$31,487.04	07/09/92
Mr. Gary Burgess	Captain (C-8)	Fire	Replacing Mr. A. Agostinelli - retired	\$57,553.17	13/09/92
Mr. Noel Cooper	Senior Systems Analyst (I)	Information Systems	New Position Council Approved - January 30, 1990	\$56,217.72 to \$66,242.28	07/09/92
Mr. John Dove	Captain (C-8)	Fire	Replacing Mr. L. Cooper - retired	\$57,553.17	13/09/92
Mr. Robert Jackman	Co-ordinator of Senior Services and Food Services (K)	Culture & Recreation	New Position Council Approved - May 26, 1992	\$47,412.56 to \$55,811.08	05/10/92

Prepared 14/10/92

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. Stephen Jones	Labour/Truck Driver- Rink Attendant II (D-14C)	Culture & Recreation	Replacing Mr. S. Matthews - promoted	\$33,510.88	25/09/92
Mr. David Oliveira	Concrete Finisher (D-12A)	Public Works	Replacing Mr. D. Jamieson - transferred	\$33,259.20	14/09/92
Mr. Steven Sajder	Arena Attendant (M-10)	H.E.C.F.I.	Replacing Mr. A. Stokan - retired	\$35,642.88	31/08/92
Mr. John Whitwell	Cashier (9-C)	Treasury	Replacing Ms. Donna Clague - promoted	\$26,895.96 to \$29,076.32	14/09/92

G.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 October 15

REPORT TO: Ms. Susan Reeder, Secretary
Finance and Administration Committee

FROM: Mr. T. Bradley
Manager of Purchasing

SUBJECT: SUPPLY AND DELIVERY OF GASOLINE AND
DIESEL FUEL AS AND WHEN REQUIRED TO
JUNE 30, 1994, VARIOUS CITY DEPARTMENTS

RECOMMENDATION:

That purchase orders be issued for the supply and delivery of Gasoline and Diesel Fuels to various City Departments as and when required to June 30, 1994 in accordance with specifications issued by the Manager of Purchasing and Stores, Hamilton Street Railway and Vendors' tenders, as follows, and that these expenditures be financed through various approved accounts:

Esso Imperial Oil, Willowdale

Gasoline - Unleaded - \$0.4483 per litre
 - Premium - \$0.4858 per litre

Petro Canada Inc., Toronto

Diesel - \$0.3864 per litre

Plus applicable taxes



T. Bradley, Manager of Purchasing

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

This was a cooperative tender that included eight various agencies including the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

The tenders accepted are for Market Pricing which gives us a firm price for thirty days, with fifteen days notice of a price increase.

Estimated expenditure for the next twelve months approximately \$320,00 for gasoline and \$490,000 for diesel fuel.

<u>Tender Analysis</u>	<u>Unleaded</u>		<u>Diesel</u>		<u>Pricing Method</u>
	<u>Regular</u>	<u>Premium</u>	<u>Regular</u>	<u>Premium</u>	
Esso Imperial	.4483	.4858	.3981	.4061	Market Price
Petro Canada	.4722	.4801	.3864	.3974	Market Price
	.4594	.4795	.3799	.3889	Crude Follower
	.4727	.4806	.3997	.4027	Firm Price
Shell Canada	.4659	.5159	.3964	.3876	Market Price
	.4679	.5179	.4035	.3971	Crude Follower
Sunoco	.4625	.4875	.4022	.4067	Market Price
	.4556	.4806	.4016	.4061	Crude Follower
	.4602	.4852	.4062	.4107	Firm Price

Applicable taxes extra

CITY OF HAMILTON

- RECOMMENDATION -

2.

DATE: September 28, 1992

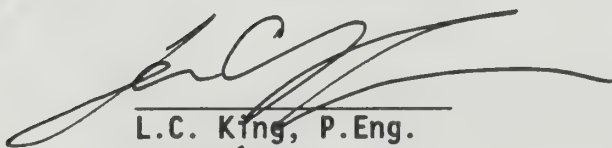
REPORT TO: Susan Reeder, Secretary
Finance and Administration Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: DEVELOPMENT CHARGES BY-LAW 90-74
COMPLAINT 190 LIMERIDGE ROAD WEST (92.4.12, 92.2.4.2.1.A)

RECOMMENDATION:

After hearing the evidence and submission of the complainant, Clem Valery representing Valery Construction Limited, the Council of the Corporation of the City of Hamilton hereby confirms the development charges imposed on the property located at 190 Limeridge Road West as having been properly imposed pursuant to the City of Hamilton's Development Charges By-law 90-74, as amended.



L.C. King, P.Eng.
LCK/PPJ/dm

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The subject lands at 190 Limeridge Road West were developed under a building permit for the erection of an eight storey apartment building to be used for non-profit purposes. The building permit application was made on September 10, 1991 and the building permit was subsequently issued on March 24, 1992. At the time of building permit issuance the owner, Valery Construction Limited, was required to pay city development charges of \$116,231.86.

On June 30, 1992, City Council amended the Development Charges By-law 90-74 which allowed the rates and payment schedules prescribed for development charges. This particular project was subject to a 40% rebate as the development charges amendment was retroactive to January 1, 1992. The Developer received a refund cheque of \$46,492.74.

The Development Charges Staff Subcommittee met and reviewed the complaint by the owner of this property and did not agree to the complaint for the following reasons:

- 1/ By-law 90-74 does not exclude any form of non-profit housing from the charges imposed. Non-profit housing was discussed when the By-law was implemented and City Council decided not to exempt non-profit housing as funding is provided from the province for any development charges levied by the municipality.
- 2/ The eight storey apartment building will create a demand for services as charged under the Development Charges By-law.
- 3/ The Developer and complainant has already received a refund of \$46,492.74 due to the amendment of By-law 90-74 by By-law 92-171, which reduced development charges by 40% for those permits issued after January 1, 1992.



3.

October 8th, 1992

MEMO TO: Susan Reeder, Secretary
Finance & Administration Committee

FROM: Mayor Robert M. Morrow

SUBJECT: CANADIAN CLUB OF HAMILTON - PLAQUE

Further to the letter of Mr. Bill Filer, Chairman of the Centennial Conference Committee of the Association of Canadian Clubs, please invite Mr. Filer to the next Finance & Administration Committee meeting to discuss their proposal for the replacement of the Canadian Club Plaque and the mounting of it at City Hall.

RMM/DC/pb.

cc: Ald. Don Ross, Chairman of Finance & Administration Committee
Ald. Bob Charters, Vice-chairman of
Finance & Administration Committee
Joe Pavelka, City Chief Executive Officer
Dan Vyce, Director of Property
Dennis Carson, Executive Assistant to the Mayor





OCT 1 1992

Together with Vision
1993 Centennial Conference
Hamilton, Ontario
Association of Canadian Clubs
Association des Cercles Canadiens

24 September 1992

Mayor Robert Morrow
THE CORPORATION OF THE
CITY OF HAMILTON
71 Main Street West
HAMILTON, Ontario

Dear Sir,

RE: THE CANADIAN CLUB OF HAMILTON

On December 6, 1892, the Canadian Club of Hamilton had its beginning in the Commercial Centre Building, 36 James Street South, Hamilton. Unfortunately no minutes were taken of the meeting in Charles McCullough's office, attended by W. Sanford Evans, James Ferres, Henry Carpenter and George Fearman. The result was a letter of invitation to the organizing meeting held on February 1, 1893. The movement has now grown to national proportions, with a membership of 16,000 throughout Canada. In honour of our Centennial, a Conference will be held in Hamilton from September 23-26, 1993.

As you may be aware, on December 6, 1913, the Womens Canadian Club of Hamilton installed a bronze plaque on the Pigott Building to commemorate the location of that historic first meeting. The plaque was removed by Kopic Wrecking during renovations of the building, and we have been unsuccessful in all efforts to locate it.

The Conference Committee would like to commission the production of a replacement plaque, and to present it to the City for display. It has been suggested that a concrete plinth be provided in the westerly forecourt of Hamilton City Hall, on which we would mount the replacement plaque. If it would be possible for the City to provide us with the location and the plinth, we would schedule installation to coincide with our Centennial Conference.

I would be pleased to further discuss this matter with you and can be contacted at (416) 628-8611. We would ask that you consider this as soon as possible in order to facilitate our ordering of the plaque.

Sincerely,

William A.H. Filer, Chairman
Centennial Conference Committee

sn

4.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 October 15

REPORT TO: Susan Reader, Secretary
Finance and Administration Committee

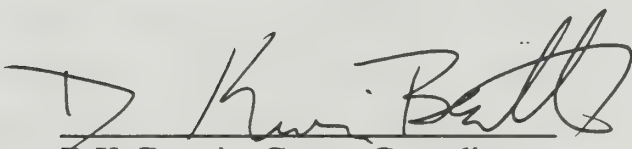
FROM: D. Kevin Beattie
Grants Co-Ordinator

SUBJECT: 1993 Hamilton Spectator Indoor Games Grant Request

RECOMMENDATION:

The Grants Review Group has met and respectfully recommends:

- a) that the 1993 Hamilton Spectator Indoor Games grant request in the amount of \$50,000 be approved;
- b) and that the grant be funded by way of overdrafting the grant accounts on a one time basis, to allow future grant requests to be processed through the normal grant process.


D.K. Beattie, Grants Co-ordinator

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See above recommendations - the 1992 Grants Budget would be financing the 1992 and 1993 games on a one-time basis resulting in a total deficit of approximately \$35,000. It is forecasted that the any resulting deficit in the Grants Budget could be offset by surpluses in other accounts.

BACKGROUND:

The annual request from the Hamilton Spectator Indoor Games has been received in the amount of \$50,000 to offset the associated costs of their event to be held January 15, 1993 at Copps Coliseum. As in prior years the timing of the event (being in January) and the organization's need for an indication as to the level of support from the City has created administrative difficulties relative to the normal granting process. As a result the grant process is preempted by addressing this request. In 1992 the first allotment of the 1992 Grants budget was \$50,000 for the 1992 Games.

In addressing the 1993 request the Grants Review Group considered two alternatives, being:

ALTERNATIVE 1 present the request to the Finance and Administrative Committee for approval preempting the 1993 Grants process as was the case in 1992, or,

ALTERNATIVE 2 approve the grant funds for the 1993 Games by way of overdrafting the 1992 Grants budget and thereby facilitating future requests through the grants process such that the 1993 Grant request will fund the January, 1994 Games. This alternative, which is recommended by the Grants Review Group, would allow for the organization to plan accordingly for the 1994 Games.

Attached is a copy of the request, application and supporting material.

DKB/dkb

Att'd

C.C. J. Pavelka, Chief Administrative Officer
A. Ross, Treasurer
B. Sugden, Director of Culture and Recreation



91ST



HIGHLANDERS ATHLETIC ASSOCIATION

Hamilton, Ontario

Canada

Organizers of

THE HAMILTON SPECTATOR INDOOR GAMES

In 1908 the 91st Highlanders Athletic Association organized the first Indoor Athletic competition in Hamilton. Over the years this competition has attracted many local, national and international athletes. In 1986 the 91st Highlanders Indoor Games was moved from the James Street Armouries to Copps Coliseum. The Hamilton Spectator became the title sponsor and the event is now known as The Hamilton Spectator Indoor Games.

In 1986, The Indoor Games became part of the North American Indoor Circuit sponsored by Mobil Oil. This Mobil Grand Prix circuit consists of approximately ten cities in North America.

In 1989 the International Amateur Athletic Federation (IAAF) designated The Hamilton Spectator Indoor Games as one of the 14 IAAF Permit Meets which will make up an International Indoor Circuit. Some other cities designated as well as Hamilton are New York; Los Angeles; Stuttgart, West Germany; Osaka, Japan; Athens, Greece; and Melbourne, Australia. This designation is still valid in 1993 and we are very proud to be in such company.

The Hamilton Spectator Indoor Games has grown into a full two days of competitions. We have more than 4,000 participants competing during the two days of the event. Elementary schools, secondary schools, universities, colleges, and national and international teams all send athletes, coaches, managers, officials and volunteers to be part of this successful event.

Over the years, this athletics competition has been broadcast on TSN, CTV, CHCH, and in fact, in 1991, when Ben Johnson returned to active competition, The Hamilton Spectator Indoor Games was seen by an estimated 3.9 million viewers in ten countries. Copps Coliseum was sold out as well.

91st HIGHLANDERS ATHLETIC ASSOCIATION
Organizers of The Hamilton Spectator Indoor Games

Page 2

In Hamilton and surrounding areas we should be very proud to call this event our own.

The continued involvement of The City of Hamilton is vital for this event to succeed. As we work to develop corporate sponsors, we cannot overlook the large number of local people who are getting tremendous benefit from The Hamilton Spectator Indoor Games; people of Hamilton and our surrounding Region.

This event is truly an internationally recognized competition that takes The City of Hamilton around the world each year by virtue of our IAAF designation. We need to commit ourselves to stabilizing and further developing The Hamilton Spectator Indoor Games over the years to come. This event is a winner.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Tony Powell', with a large, stylized loop at the beginning.

Tony Powell
President

A handwritten signature in dark ink, appearing to read 'Donald Bowman', with a stylized 'D' and 'B'.

Donald Bowman
Executive Director

Each organization applying for a grant is required to complete this form annually and forward same to Mr. D. K. Beattie, Grants Co-ordinator, Treasury Department, City Hall, 71 Main Street West, Hamilton, L8N 3T4 (telephone 546-2739 or by FAX 546-2449) together with any supporting information.

THE DEADLINE FOR SUBMISSION IS DECEMBER 31, 1991

THE GRANTING OF ASSISTANCE IN ANY ONE YEAR OR OVER SEVERAL YEARS IS NOT TO BE INTERPRETED AS A COMMITMENT TO FUTURE YEARS' FUNDING.

In the event that more space is required in replying to any question, please use a supplementary sheet and attach to the application.

A. NAME, ADDRESS AND TELEPHONE NUMBER OF ORGANIZATION:

91ST HIGHLANDER'S ATHLETIC ASSOCIATION
52 WEST CREST, ANCASTER, ONTARIO L9G 2P1

LIAISON PERSON

DON BOWMAN

PHONE NO.

648-7994

(During Business Hours)

B. AMOUNT OF GRANT REQUEST: \$ 50,000

C. PURPOSE OF GRANT: (Indicate)

☒ CONTINUING GENERAL ACTIVITIES (OPERATING)
☐ CAPITAL
☐ ONE TIME - SPECIFIC PURPOSE

D. IF OPERATING GRANT, CALCULATE THE CITY'S CONTRIBUTION AS A PERCENTAGE OF YOUR TOTAL OPERATING BUDGET:

	AMOUNT	%
- OPERATING BUDGET - NOT INCLUDING GRANT REQUEST.....	\$ 28,200	81.4%
- CITY'S CONTRIBUTION (GRANT REQUEST).....	\$ 50,000	18.6%
TOTAL OPERATING BUDGET	\$ 38,200	100%

NOTE: In most cases the approved grant may be limited to a maximum of 25% of the total operating budget after the initial grant year. The total operating budget must include any relevant charges for City property rentals and cost recovery of services.

FOR CITY USE ONLY

RECOMMENDATION

FINANCE AND ADMIN- ISTRATIVE COMMITTEE		3) APPEAL	4) CITY COUNCIL
*1) GRANTS REVIEW GROUP	2) ISTRATIVE COMMITTEE		
\$ _____	\$ _____	\$ _____	\$ _____
CATEGORY _____	CATEGORY _____	CATEGORY _____	CATEGORY _____
DATE _____	DATE _____	DATE _____	DATE _____

GRANT PAYMENT

- UPON CITY COUNCIL APPROVAL	\$ _____	_____ / _____	(date/cheque #)
- OTHER DATE OR INSTALMENTS	\$ _____	_____ / _____	
	\$ _____	_____ / _____	
	\$ _____	_____ / _____	

*NOTE: Arts organizations' applications will be reviewed initially by the Arts Advisory Sub-Committee.

1. Provide a brief history of your organization (Constitution, Charter, By-laws) and indicate if it is incorporated as a non-profit or charitable organization. (NOTE: That to be eligible for a grant applicants must be in operation for at least one year.)

In 1908, The 91ST Highlanders Athletic Association was formed as a NOT FOR PROFIT organization. Each year since 1908, excluding the war years, The 91ST H. A. A. has organized an Indoor Track and Field competition. The specific aim of The Association is to provide a top ranked, high calibre competition for local athletes and spectators to enjoy on an annual basis.

2. What are the general objectives and/or services of your organization?

OBJECTIVES: To promote indoor track and field competition and general knowledge for all local citizens.

- To encourage Hamilton citizens to participate as competitors, officials, sponsors, spectators at all levels including elementary school, secondary school, university and international competitions

* (We have about 4000 participants each year.)

3. Is there a local organization that provides similar services to those stated above. If yes, how are your services different from this other organization?

No.

4. Do volunteers participate in your program?

No Yes X If yes, please indicate number of volunteers and number of volunteer hours of work contributed annually.

Approximately 400-500 volunteers are involved in this event as organizers, managers, officials, hosts/hostesses, as well as strategists regarding fiscal management and long term growth and development planning.

5. Is your organization local in nature or is it a branch or segment of a provincial or national organization?

- local.

6. Does your organization provide a service to:

(Yes/No)

(a) All citizens

YES

(b) A specific group (which group; explain in detail below)

YES.

(c) A specific area (which area; explain in detail below)

YES.

(d) If (b) or (c) are yes, is participation at any function or event limited to your specific group/area explained below

All citizens have the opportunity to volunteer and/or spectate at all of the various competitions. We cater specifically to athletes, coaches, managers and officials at all levels of Indoor Track competition.

7. In what geographical area does your organization operate?

We operate in Hamilton/Wentworth, specifically using Copps Coliseum as the venue for the competitions.

8. For what purpose are the requested grant funds to be utilized within your organization? Be specific. (Note: Funds will not be provided to offset costs representing the City at events outside of Hamilton.)

Funds will be used for operating. The event now runs for 2 full days of competition as well as a coaching/training clinic. This expands the opportunity for individuals to participate.

9. For what reason does your organization merit the use of public funds for the purpose indicated above?

This event offers Hamilton citizens the opportunity to participate in a local and an international event. The City of Hamilton gets tremendous promotion and receives international recognition.

10. a) Has the organization requested financial assistance in the last twelve months from other organizations, e.g. federal, Provincial, or Municipal Governments, Private Corporations, Foundations, etc? YES X NO
If Yes, complete the following:

Date of Application	From Whom Requested	Amount Requested	Approved or Denied Amount
CURRENT	FEDERAL	NO RESPONSES TO DATE	
CURRENT	PROVINCIAL	" "	" "
MUNICIPAL	- BEFORE YOU NEW	50,000	

* NOTE More than 50% of all funding is raised privately.
If No, please advise why other sources of funding have not been explored.

NOTE: YOU ARE ADVISED THAT CONSIDERATION WILL NOT BE GIVEN TO AN APPLICATION FOR FINANCIAL ASSISTANCE IF A SIMILAR APPLICATION HAS ALSO BEEN SUBMITTED TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH AND/OR AN ORGANIZATION THAT RECEIVES A SUBSIDIZED RENTAL RATE FOR USE OF A FACILITY OR FACILITIES UNDER THE JURISDICTION OF THE HAMILTON ENTERTAINMENT AND CONVENTION FACILITIES INC.

- b) Are any funds outlined above conditional upon City assistance. If yes, what are the ramifications of the City denying a Grant?

NO. However, The Federal and Provincial Governments have given very minimal support during the history of this event. The City of Hamilton's involvement is crucial if this event is to continue.

GENERAL GRANT APPLICATION

(Rev. 10/91)

11. a) What other steps are being taken to increase revenues? Examples should be given such as increasing your membership or admission fees.

Entry fees have increased as more athletes participate. We are continuing to develop corporate sponsors and attempting to attract new sponsors to the event.

- b) If your organization is experiencing a financial deficit situation, please explain and detail your plans for addressing the deficit.

We attempt to break even each year. If we do have a deficit we adjust expenses in the next year to alleviate the deficit problem.

12. Does this organization provide a service for which a charge is made? Some examples are admission fees, membership fees and rental charges. If answer is "yes", please detail your organization's admission fees, membership fees, rental charges and audience statistics.

For the International Portion of the competition, we sell reserved seating. For all other areas of the competition we charge a minimal entry fee.

13. a) Have you received Grant funding from the City in prior years? If so, when and how much?

<u>Year</u>	<u>Requested Amount</u>	<u>Approved Amount</u>
<u>1992</u>	\$ <u>50,000</u>	\$ <u>50,000</u>
<u>1991</u>	\$ <u>50,000</u>	\$ <u>50,000</u>
<u>1990</u>	\$ <u>50,000</u>	\$ <u>50,000</u>
<u>1989</u>	\$ <u>25,500</u>	\$ <u>25,000</u>

- b) Have you received an Interest-free loan from the City? If yes provide details including amount of loan, repayment schedule, and outstanding balance.

No.

14. What are your estimated grant requests from the City of Hamilton for the next three years (exclusive of the present grant application year)?

<u>Year</u>	<u>Amount</u>
<u>1993</u>	\$ <u>55,000</u>
<u>1994</u>	\$ <u>55,000</u>
<u>1995</u>	\$ <u>55,000</u>

THE GRANTING OF ASSISTANCE IN ANY ONE YEAR OR OVER SEVERAL YEARS IS NOT TO BE INTERPRETED AS A COMMITMENT TO FUTURE YEARS' FUNDING.

NOTE: An organization receiving a grant will NOT automatically qualify for continuing funding, and will be subject to annual evaluation.

15. What are the consequences to your organization of receiving no funding from the City of Hamilton?

This event would survive for perhaps one more year, however the International Indoor Track Competition in Hamilton would cease to exist.

16. What are your organization's plans for becoming more financially self-sufficient? If you do not foresee an increase in financial self-sufficiency, what are your organization's goals for the future (Please provide a five year financial plan)?

We are working diligently to increase corporate sponsorships and to attract more fans or spectators to the event.

On a five year plan, we expect to be The Canadian representative on an International Indoor Circuit. We plan to continue to provide excellent experiences and competitions for all levels of track and field competitors.

17. Please note successful applicants who receive a grant, subject to your availability and if requested by the City, will be expected to perform or otherwise provide your services at public functions or events, free of charge.

We agree.

GENERAL GRANT APPLICATION

(Rev. 10/91)

18. List the Executive Officers of your organization.

<u>Name and Title</u>	<u>Address</u>	<u>Telephone Number</u>	
		<u>Business</u>	<u>Home</u>
PRESIDENT - TONY POWELL	CARLISLE, ONT	522-4696	
VICE PRES - MARK LOWRY	BURLINGTON ONT	847-0345	
SECRETARY - DAVID MILLS	ANCASTER, ONT	648-4451	
TREASURER - JOHN AULD	BURLINGTON, ONT	632-2662	
PAST PRES. - NORMAN HAAC	P.O. Box 1962	(519) 647-2878	
	BRANTFORD, ONT		

19. To complete this application please provide financial statements (balance sheets and statement of revenues and expenditures) for the latest fiscal year end. In addition please provide an operating budget for the fiscal year end that is applicable to this grant request. To assist you in presenting this information are the attached forms: Exhibit 1 - Balance Sheet; Exhibit 2 - Statement of Revenues and Expenditures; Exhibit 3 - Details of Salaries and Benefits. (Note: Any organization which has an approved City grant of \$5,000 or more must supply an audited financial statement of their prior year's operations before any grant payments are made.)

October 8th/92
Date

ANTHONY POWELL - PRESIDENT
Name and Title of Officer Making Application

Anthony Powell
Signature of Officer Making Application

NOTE: I understand by signing this application that the City of Hamilton makes no commitment to the payment of any grant prior to final City Council approval. I also agree to submit a report including financial statements outlining the success of the organization and the allocation of grant monies.

OFFICE 522-4696
Telephone Number

**THE DEADLINE FOR SUBMISSION IS
DECEMBER 31, 1991
GRANT APPLICATIONS RECEIVED AFTER THE
DEADLINE WILL NOT BE CONSIDERED.
SEE LATE APPLICATIONS SECTION
WITHIN THE GENERAL GRANT POLICY.**

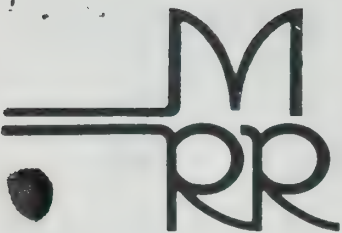
THE CORPORATION OF THE CITY OF HAMILTON
GENERAL GRANT APPLICATION

Exhibit 1
(12/90)

Balance Sheet
(all amounts to nearest dollar)

	Fiscal Year Ended	
	Current Year	Preceding Year
	19	19
<u>Assets</u>		
Bank		
Accounts Receivable		
Investments		
Prepaid Expenses		
Equipment (net of depreciation)		
Building (net of depreciation)		
Other Assets - please specify		
Total Assets		
<u>Liabilities</u>		
Accounts Payable		
Bank Loan		
Deferred Revenue		
Other Liabilities - please specify		
Total Liabilities		
<u>Surplus</u>		
Total Liabilities and Surplus		

(Note: Any organization which has an approved City grant of \$5,000 or more must supply an audited financial statement of their prior year's operations before any grant payments are made.)



Millard, Rouse & Rosebrugh

Chartered Accountants
P.O. Box 367, 96 Nelson Street
Brantford, Ontario N3T 5N3
Tel (519) 759-3511
Fax (519) 759-7961

To the Directors of the
91st Highlanders Athletic Association
Hamilton, Ontario

AUDITORS' REPORT

We have audited the balance sheet of the 91st Highlanders Athletic Association as at June 30, 1992 and the statement of income, expenditure and surplus (deficit) for the year then ended. This financial statement is the responsibility of the Association's management. Our responsibility is to express an opinion on the financial statement based on our audit.

Except as explained in the following paragraph, we conducted our audit in accordance with generally accepted auditing standards. Those standards require that we plan and perform an audit to obtain reasonable assurance whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In common with many charitable organizations, the Association derives part of its income from ticket sales, concessions, sponsors and entries, the completeness of which is not susceptible of satisfactory audit verification. Accordingly, our verification of these revenues was limited to amounts recorded in the records of the Association and we were not able to determine whether any adjustments might be necessary to income, excess of income over expenditure, assets and surplus.

In our opinion, except for the effect of adjustments, if any, which we might have determined to be necessary had we been able to satisfy ourselves concerning the completeness of income referred to in the preceding paragraph, this financial statement presents fairly, in all material respects, the financial position of the Association as at June 30, 1992 and the results of its operations for the year then ended in accordance with generally accepted accounting principles.

Millard, Rouse & Rosebrugh

September 9, 1992

CHARTERED ACCOUNTANTS

BALANCE SHEET - As at June 30, 1992

	<u>1992</u>	<u>1991</u>
<u>ASSETS</u>		
<u>Current Assets</u>		
Bank balance	6,054	52,237
Short term investment	42,635	0
Accounts receivable	0	22,623
Prepaid expense	<u>4,761</u>	<u>0</u>
	53,450	74,860
<u>Capital Assets - Equipment, at cost</u>	<u>23,374</u>	<u>23,374</u>
	<u>76,824</u>	<u>98,234</u>
<u>LIABILITIES</u>		
<u>Current Liabilities</u>		
Accounts payable and GST payable	30,175	9,932
<u>SURPLUS</u>	<u>46,649</u>	<u>88,302</u>
	<u>76,824</u>	<u>98,234</u>

STATEMENT OF INCOME, EXPENDITURE AND SURPLUS (DEFICIT)
For the year ended June 30, 1992

<u>Income</u>		
Sponsors and patrons	117,312	149,069
Entries	13,145	10,105
Tickets	45,073	128,957
Programs and concessions	3,628	2,314
Television revenue	561	45,246
Grants	50,000	0
Interest	<u>1,635</u>	<u>0</u>
	<u>231,354</u>	<u>335,691</u>
<u>Expenditure</u>		
Athletics (travel, hotel accommodations)	150,157	158,657
Advertising and publicity	19,999	4,048
Officials	2,933	3,680
Track and coliseum charges	36,218	58,874
Catering	5,380	4,014
Track repairs	8,833	5,600
Office expenses	3,592	9,790
Program and television expense	35,395	0
Managing director - salary/expenses	<u>10,500</u>	<u>0</u>
	<u>273,007</u>	<u>244,663</u>
<u>Excess of Income Over Expenditure</u>		
<u>(Expenditure over Income) for the year</u>	(41,653)	91,028
Surplus (Deficit) - beginning of year	<u>88,302</u>	<u>(2,726)</u>
<u>Surplus - end of year</u>	<u>46,649</u>	<u>88,302</u>

NOTE TO THE FINANCIAL STATEMENT - June 30, 1992

1. SIGNIFICANT ACCOUNTING POLICY

Income Recognition

The above financial statements have been prepared on the accrual basis of accounting whereby revenues are reported in the period in which they are considered to have been earned or restrictions satisfied, and expenses are reported when incurred, whether or not the transactions have been finally settled by receipt or payment.

August 31,1992

The Hamilton Spectator Indoor Games

Budget

January 15,1993 (4)

Income:

Tickets	\$76,000.
Sponsors	105,000.
Patrons	10,000.
Public,high school and university entries	12,000.
Newspaper advertising in Spectator (see contra)	62,500.
Stationery and posters provided by Spectator (see contra)	3,000.

\$268,500.
=====

Expenses:

Air travel	\$40,000.
Ground transportation	2,500.
Per diem allowance	10,000.
Officials' travel expenses	600.
Accommodation	8,000.
Appearance fees	85,000.
Track and coliseum expenses	36,000.
Track repairs and expenses	8,900.
Publicity	2,100.
Advertising, radio and T.V.	24,800.
Advertising newspapers,posters,Spectator (see contra)	65,500.
Catering, hospitality and food	7,000.

\$290,400.

General Administration:

Office expenses including insurance	\$4,000.
Officials including tuxedos	5,300.
Meet Co-ordinators and O.T.F.A. fees	16,000.
Miscellaneous inc. Merchandise prizes	2,500.

\$318,200.
=====

Loss	\$49,700.
Less Grant from City of Hamilton	50,000.

Profit \$300.
=====

Note:

There are 4,000 daytime participants in the public, high school and university sections.



6.

October 15th, 1992

MEMO TO: Susan Reeder, Secretary
Finance & Administration Committee

FROM: Mayor Robert M. Morrow

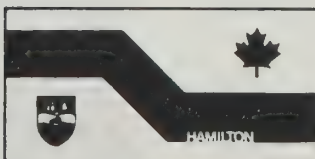
SUBJECT: CIVIC LUNCHEON FOR OLYMPIC ATHLETES

RECOMMENDATION: That the City of Hamilton host a civic luncheon for the Canadian Olympic Athletes on Sunday November 1st, 1992 at the Hamilton Convention Centre to be followed by their appearance and recognition at the Ti-Cat Football Game at Ivor Wynne Stadium.

That the cost for this event not exceed \$1,500.00 and be charged to the Special Civic Receptions and Dignitaries Hosting Account No. CH55314-84010.

RMM/DC/pb.

cc: Ald. Don Ross, Chairman of Finance & Administration Committee
Ald. Bob Charters, Vice-Chairman of
Finance & Administration Committee
Joe Pavelka, City Chief Executive Officer
Allan Ross, City Treasurer
Dennis Carson, Executive Assistant to the Mayor





TOWN OF NEWMARKET

Office of the Town Clerk

October 6th, 1992

OFFICE OF THE CITY CLERK

OCT 09 1992

REC. BY SGH DATE _____
REF'D. TO S.R. DATE _____
REF'D. TO _____ DATE _____
REF'D. TO _____ DATE _____

ACTION: F.Y.A.

TO: All Municipalities in Ontario
The Federation of Canadian Municipalities
The Association of Municipalities of Ontario

RE: CANADIAN UNITY

I am writing to advise that the Council of the Corporation of the Town of Newmarket enacted the following resolution at its meeting held October 5th, 1992. This is for your information and any attention your Council deems necessary.

WHEREAS Canada is a federation, a union of people in many different regions, in a single country, drawn together by their common interests;

AND WHEREAS our vision of Canada in which our cherished values and the hallmark of our identity - tolerance, compromise, a respect for diversity, openness to others, our social programs and the love of our land are to be protected and strengthened;

AND WHEREAS Canadian Unity means a Canada in which peoples composed of First Peoples, Canadians by birth and Canadians by choice, stand equal and united;

BE IT THEREFORE RESOLVED by the Municipal Council of the Corporation of the Town of Newmarket that the Town of Newmarket supports and believes in one Canada, one nation, undivided from sea to sea to sea.

Yours very truly,

Linda J. Dean,
Deputy Clerk.

LJD:ph
(File: 8.1.1)

8.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 October 13

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: Charlene J. Coutts, Secretary
French Sub-Committee

SUBJECT: APPOINTMENT OF MEMBER TO THE FRENCH
SUB-COMMITTEE

RECOMMENDATION:

That Ryan Paquette be appointed to the French Sub-Committee to fill the one citizen member vacancy created by the resignation of Henriette Déry.

C. Coutts

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Henriette Déry, who was appointed to the French Sub-Committee by the Finance and Administration Committee on 1991 December 16, submitted her Letter of Resignation for reasons of job relocation, to the French Sub-Committee at its meeting held 1992 October 9.

The Committee is recommending that Ryan Paquette, former Committee Chairperson, be appointed to the Committee to fill Ms. Déry's unexpired term to 1994 November 30.

8

1000



9. (a.)

CITY OF HAMILTON
- INFORMATION -

DATE: 1992 October 16

REPORT TO: Susan Reeder, Secretary
Finance and Administration Committee

FROM: Allan C. Ross
Treasurer

SUBJECT: APPOINTMENT OF SALES TAX AUDITOR

BACKGROUND:

At your meeting Thursday, October 8, 1992, Consent Agenda, Item C. (v) Appointment of Sales Tax Auditor was referred back pending more information on local bids from firms located in the City of Hamilton.

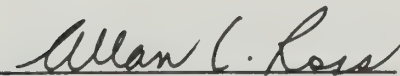
Over the past several months, **seven** sales tax consulting firms have approached the City with proposals to utilize their services for recovery of Federal Sales Tax, Goods and Services Tax and Ontario Retail Sales Taxes. Each of these consulting firms is located outside the boundaries of the City of Hamilton.

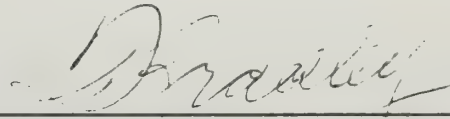
As a result of their interest or prior contact, each of those firms was mailed a copy of the Request for Proposal. **Four of these firms responded with bids, while two were unable to bid and one did not respond in any fashion.**

Concurrently, an advertisement for Requests for Proposals was placed in the Hamilton Spectator on Thursday, September 3, 1992. This advertisement **did not generate any additional proposals from local or other consultants.** It is not clear why any eligible local firm would not respond to the advertisement.

As seven prospective bidders were mailed the RFP and an advertisement was placed in the local newspaper allowing other firms to submit proposals, the approved purchasing policy of the City has been met.

After a review of the four proposals received, the second low bidder, H. M. T. Sales Tax Consultants, Ancaster, Ontario are recommended for this appointment, based on their resources and extensive experience in the municipal field.


Allan C. Ross, Treasurer


T. Bradley, Manager of Purchasing

9. (b.)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 September 30

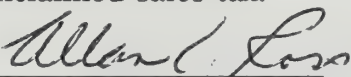
REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

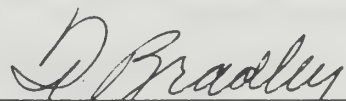
FROM: Allan C. Ross
Treasurer

SUBJECT: APPOINTMENT OF SALES TAX AUDITOR

RECOMMENDATION:

That the firm of H.M.T. Sales Tax Consultants Inc., of Ancaster, Ont., be appointed to perform a comprehensive audit of the City's payment records for sales tax rebates not recorded, with particular emphasis on the G.S.T., at a fee of 35% of any recovered unclaimed sales tax.


Allan C. Ross, Treasurer


T. Bradley, Manager of Purchasing

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

- potential for recovery of funds by the City, amount to be determined upon completion of audit
- The only fee is 35% of any recovered unclaimed sales tax, otherwise there is no cost to the City.

BACKGROUND:

An examination of the City's payments should be made periodically by experts in the field of sales tax in order to ensure compliance with regulations and to recover potential unclaimed tax rebates. In this regard, Requests for Proposals were sought from several established firms in this field, and advertisements inviting proposals were placed in the Hamilton Spectator in August.

The previous audit by an outside sales tax auditor was performed on the City's records in 1986, before the G.S.T. was introduced, and it is appropriate at this time to hire an outside auditor who will examine the payments made by the City with a view to recovering any

unclaimed sales tax rebates for a fee of 35% of the actual amount recovered.

Proposals and fee schedules received were as follows:

- | | | | |
|----|-----------------------------------------|---|-------------------|
| 1) | R. G. Akitt & Associates, Burlington | - | 30% |
| 2) | H.M.T. Sales Tax Consultants, Ancaster | - | 35% * recommended |
| 3) | Robert Brakel & Associates, Brampton | - | 40% |
| 4) | Squibb, Lafontaine & Associates, Elmira | - | 40% |

("Unable to Bid" returns were also received from Taxsave Consultants Limited of Don Mills and R. N. Donnell and Company Limited of Burlington).

After examining the proposals, it was felt that the second lowest bidder, H.M.T. Sales Tax Consultants, has more resources from which to draw and has had more experience in the municipal field and in particular in the G.S.T. area, and could provide a more complete service than the lowest bidder.

10.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: October 15, 1992

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

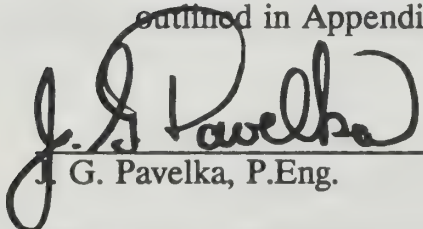
FROM: Mr. J. G. Pavelka, P.Eng.
Chief Administrative Officer - City

Mr. Wm. McMillin Carson
Chief Administrative Officer - Region

SUBJECT: WORK ACCOMMODATION POLICY AND PROCEDURES
(132-0001)

RECOMMENDATION:

- a) That the corporate policy on work accommodation, as outlined in Appendix A of this report, be approved.
- b) That the procedures defining implementation of the work accommodation policy, as outlined in Appendix B of this report, be received as information.


J. G. Pavelka, P.Eng.


Wm. McMillin Carson

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Costs related to work accommodation initiatives are currently budgeted for. It is not anticipated that the enhanced initiatives outlined in this report will result in additional funding being required. Any requirement for increased funds that may be identified at a future date will be requested through the normal budget process.

BACKGROUND:

The attached work accommodation policy and procedures reflect the Region and City's enhancement of existing accommodation initiatives to comply with recent changes in legislation; specifically, the Ontario Human Rights Code and the Workers Compensation Act.

Legislation

Both the Human Rights Code and the Workers Compensation Act now specifically obligate employers to accommodate and retain employees with disabilities and to re-integrate injured employees in the workplace. This obligation can require the employer, up to the point of undue hardship, to:

- limit duties of a job by reassigning job functions
- modify facilities, premises or equipment to overcome an employee's limitations
- adjust work schedules, work hours, or work weeks of a position

Analysis and Procedural Enhancement

The attached policy and procedures result from a comprehensive review of the legislation mentioned above in order to ensure that our organizations' practices are in keeping with our legislative obligations. This review, undertaken within the mandate of the Performance Excellence Programme, also included consideration of the Occupational Health and Safety Act, arbitration decisions, past practices of the corporations, our collective agreements, and input from our legal experts and Labour Relations.

Benefits

The Work Accommodation policy and procedures has numerous benefits to the employee and the employer:

- enhancement of dignity and self-worth through gainful employment
- speeds recovery and prevents further health deterioration
- retains employee access to workplace opportunities
- retains experienced employees
- limits need to train new staff
- promotes improved morale and good employee relations
- ensures consistent and fair treatment of employees
- reduces absenteeism and its related costs
- ensures compliance with legislation and reduces employer liability

WMC/JPP/rc

cc: John Johnston, Commissioner of Human Resources
Raffaella Cowell, Manager, Performance Excellence Programme

**CORPORATION OF THE CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH**

SUBJECT: WORK ACCOMMODATION

POLICY: The employer will accommodate employees with disabilities contingent upon their individual limitations and capabilities and the availability of employment.

All eligible employees who are, through occupational or non-occupational illness/injury, unable to return to regular duties, will be considered for work accommodation, of either a temporary or permanent nature.

**CORPORATION OF THE CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH**

PROCEDURES

SUBJECT: WORK ACCOMMODATION - General

GUIDING PRINCIPLES:

Commitment

The Corporation of the City of Hamilton and the Regional Municipality of Hamilton Wentworth are committed to work accommodation as a legislated requirement and as a means of regaining and sustaining employees. The involvement of all supervisors in the process is required. Accommodation will also require commitment and effort on the part of employees.

Respecting the Dignity of an Individual

Work accommodation initiatives will recognize the privacy, confidentiality, comfort, self-esteem, maximum integration of, and promotion into full participation in the workplace of an individual with a disability.

Purposeful Work

Work accommodation must be productive and meaningful to both the employee and employer in order to ensure employee dignity, maximize employee skills and potential, and be cost effective.

Income Protection

Throughout the work accommodation process, the employee will receive benefits consistent with their eligibility and coverage as outlined in the various income protection plans.

General Procedures

RATIONALE: Benefits

Benefits to Employee: enhances feeling of self worth and dignity; prevents further deterioration (physical and/or mental); speeds recovery; retains a presence in the workplace for access to workplace opportunities; (ie. promotions, work assignments, etc.) and provides financial incentives.

Benefits to Employer: retains experienced people; limits need to train new staff; promotes improved morale of co-workers; provides financial incentives and ensures compliance with legislative requirements.

Compliance with Legislation

Ontario Human Rights Code: prohibits discrimination on the basis of physical or mental disability, and requires employers to provide accommodation up to the point but not causing undue hardship in helping people with disabilities attain/retain employment.

Workers' Compensation Act: requires employers to re-integrate employees with disabilities in their pre-injury or other position.

DEFINITIONS:

Temporary Accommodation

for employees unable to return to their original positions immediately following an illness/injury. Employees may be temporarily assigned elsewhere, or work may be in their original position with short-term reductions/alterations in the work load or hours until they can return to optimal functioning

Permanent Accommodation

for employees who are permanently unable to return to their original positions, but can function in other vacancies either immediately or after training

Work Accommodation

assists employees in returning to work by recognizing and meeting special needs unless undue hardship would be incurred

General Procedures

Impairment

any loss or abnormality of psychological, physiological, or anatomical structure or function

Disability

any restriction or lack (resulting from impairment) of ability to perform an activity in the manner or within the range considered normal for a human being

Essential Duties

duties which are fundamental to the performance of the job

Modified Work

work that has been changed, redesigned or physically altered

Regular Duties

both essential and non-essential duties of the job

Undue Hardship

- the cost of accommodation, including outside sources of funding, would be so demonstrably substantial as to alter the nature of the business or affect its viability. It does not refer to inconvenience, or interference in the normal course of business; or
- the safety risk created by accommodating the person with the impairment outweighs benefits of accommodation. Any risk to others will be considered by the corporations as outweighing the benefit of the accommodation

Vacant Position

a position in the approved complement that has not been filled and is consistent with the applicable collective agreement

General Procedures

Department of Origin

the department responsible for the salary or wage of the employee as of the date of the impairment

IPP

income protection plan; short or long term disability coverage as per the collective agreements

Familiarization Period

time used to assess the performance of the accommodated employee consistent with the promotional clause of the applicable collective agreement

RESPONSIBILITIES:

EMPLOYEE:

It is expected that the employee will participate fully in all phases of the accommodation process. Participation includes the provision of complete, up-to-date information where required, and acceptance of job placements. At any stage of the work accommodation process where the employee is being accommodated into a different union, the concerned unions must be involved.

EMPLOYER:

It is the employer's responsibility to make every reasonable effort to accommodate employees through the identification of modified work alternatives on an individual basis.

DEPARTMENT:

Departments of origin will retain accountability for their employees through all phases of the Work Accommodation Program.

SUPERVISOR:

During initial contact with the employee, the supervisor must:

- discuss potential access to the program
- review the purpose/benefits of the program with the employee
- initiate referral to Corporate Health Services for assessment prior to the absence reaching fifteen working days, should the supervisor be of the opinion that the employee is a possible candidate for the program

CORPORATE HEALTH SERVICES:

Corporate Health Services will determine suitability for participation in the program by assessing the employee's medical condition. The assessment may include any or all of the following:

- meeting with employee and reviewing the physical demands analysis and existing regular and essential duties of current job
- assessment by employee's physician
- assessment (to include history, examination, necessary testing, appropriate consultation) by the Corporate Medical Director
- third party medical assessment

Corporate Health Services will inform the employee's supervisor and Labour Relations regarding the employee's ability to work and will act as a medical resource to the supervisor and Labour Relations in identifying appropriate potential placement.

ACCESS:

For absences in excess of fifteen working days Corporate Health Services will contact the employee. Access to the program prior to fifteen working days may be initiated by:

- Supervisor
- Employee/Union Representative
- Workers' Compensation Board
- Long Term Disability Carrier

REFUSAL:

When approved accommodation has been found and the employee refuses to participate, it shall be so documented; the appropriate carrier will be notified; and suspension of salary and/or benefits, or termination, may result.

**CORPORATION OF THE CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH**

PROCEDURES

SUBJECT: TEMPORARY WORK ACCOMMODATION (TWA)

ELIGIBILITY: All permanent full-time and permanent part-time employees, who meet the following criteria:

1. temporarily disabled due to an occupational/non-occupational illness/injury
2. temporarily disabled with all likelihood the employee will be able to resume regular duties as confirmed by Corporate Health Services
3. cleared for return to work by Corporate Health Services, with restriction(s) outlined

DURATION: The length of the temporary work accommodation assignment will be for a period not exceeding twelve weeks from the time of placement until cleared for regular duties by Corporate Health Services. Extension beyond twelve weeks may be recommended by Corporate Health Services and considered/approved by the accommodating department and documented accordingly.

PLACEMENT:

Guidelines and Responsibilities:

The supervisor will arrange suitable temporary work accommodation consistent with the employee's work restrictions as identified by Corporate Health Services.

Provision of reasonable temporary work accommodation opportunities, in compliance with the Workers' Compensation Act, Human Rights legislation, and Corporate Health Services recommendations, will be considered mandatory for all supervisors. Accommodation will not displace any employee from an existing position.

Hierarchy:

The following hierarchy of work assignment will be utilized:

- a) present work assignment with modified duties
- b) suitable work within employee's same division, department, and union, but not usual work assignment

- c) suitable work within employee's same department, and same union
- d) suitable work in another department/union in consultation with the unions and departments concerned.

Assessment:

The employee will be required to meet with the supervisor to review the altered work assignment to ensure understanding of the duties. The assignment will also outline the employee's restrictions during temporary work accommodation, and must be signed by the employee and supervisor.

Employees will be assessed by Corporate Health Services on a regular basis to determine their ability to assume additional hours of work/job duties. The employee and/or supervisor may also initiate a review of the work assignment with Corporate Health Services at any time during the temporary work accommodation. Any changes to the restrictions and/or completion date will be discussed by the supervisor and employee and will be reflected on the job assignment noting commencement date and signed by the employee and supervisor.

The supervisor must monitor the employee's job performance regularly. While on temporary work accommodation, an employee is subject to a review update by their supervisor at intervals not exceeding two weeks. Any problems related to the temporary work accommodation assignment should be addressed by the supervisor immediately, in collaboration with the employee, Labour Relations, union representative (if appropriate), and Corporate Health Services.

Return to Original Work:

Return to Work Clearance must be obtained from Corporate Health Services before the employee returns to regular duties.

COMPENSATION AND BUDGET RESPONSIBILITY:

While in the Temporary Work Accommodation Program, the employee will receive wages as follows:

1. persons eligible for 100% of wages under IPP/WCB will receive 100% of regular wage regardless of the type of work or the department in which temporary modified work is being performed

2. persons eligible for less than 100% of wages will receive 100% of regular wages for all hours spent performing modified duties and applicable IPP/WCB coverage for the remainder of the working day.

In all cases the department of origin will be responsible for the costs of temporary work accommodation.

All further non-occupational absences will be covered by the employee's department of origin, and will be consistent with the applicable short-term disability or sick leave plan, or applicable collective agreement concerning leaves of absences.

PROCEDURES

SUBJECT: PERMANENT WORK ACCOMMODATION (PWA)

ELIGIBILITY: All permanent full-time and permanent part-time employees who have completed their probationary period and meet the following criteria:

1. permanently disabled due to an occupational/non-occupational illness/injury
2. assessed by Corporate Health Services confirming that the employee will not likely be capable of performing their regular duties in a safe and predictable manner
3. cleared for return to work by Corporate Health Services, with restriction(s) outlined

FREQUENCY AND DURATION:

Attempts will be made to place the employee until the earliest date of:

- a) two years after the date of the injury;
- b) one year after the Workers' Compensation Board notifies the employer that the employee is medically able to perform the essential duties of the pre-injury employment;
- c) the date the employee reaches 65 years of age.

Once placement is found the employee will be required to complete a familiarization period, inclusive of on-the-job training, prior to being placed permanently in the position. The duration of the familiarization period shall be consistent with the promotional clause of the applicable collective agreement.

PLACEMENT:

Guidelines and Responsibilities:

In keeping with obligations to the Human Rights legislation and the Workers' Compensation Act, unions and managers will be expected to recognize the primacy of corporate interest over the interest of individual departments. Placement of disabled employees in identified permanent work accommodation will take precedence over the posting procedures outlined in the Collective Agreements.

If Corporate Health Services determines that the employee is unable to return to their original job, Corporate Health Services will identify their permanent restrictions. The Labour Relations Division will use that information when identifying, arranging for and documenting alternate placement for the employee.

Hierarchy:

The following hierarchy of work accommodation will be utilized:

- a) vacant position in same department and same union
- b) vacant position in same union but different department
- c) vacant position in same department but different union
- d) vacant position in different department and different union
- e) vacant position in same department and same union, with training
- f) vacant position in same union, but different department with training
- g) vacant position in same department but different union with training
- h) vacant position in different department, and different union with training

Training:

An employee may qualify for training where medical and vocational assessment indicates that an employee is capable of being retrained into an alternate occupation that can accommodate their disability. Training should be extensive enough to prepare the employee for a pending position at up to the same salary level as their former position.

On-the-job training will be the preferred consideration, and if necessary would be revised to include off-the-job training. On-the-job training will not exceed a three month period.

Off-the-job training involves external academic upgrading, such as English as a second language, or short-term technical courses such as typing, trades, etc. This will not include long-term professional and/or degree programs. Employees will undergo off-the-job training only for appropriate positions identified according to the outlined work hierarchy. Identified positions may be held at the discretion of the accommodating department for the duration of the off-the-job training for up to a period of six months.

Assessment:

The supervisor will assess the performance of the employee a minimum of once a month during the familiarization period. Any problems related to the work accommodation placement should be addressed by the supervisor immediately, in collaboration with the employee, Labour Relations, union representative (if appropriate) and Corporate Health Services.

The supervisor will conduct a performance review prior to completion of the familiarization period and make recommendations to Labour Relations as to the permanent placement of the employee in the position.

If the performance review determines that the employee has been unable to fulfil the requirements of the job satisfactorily during the familiarization period, the department head will forward a written summary of the employee's performance deficiencies as a basis for non-placement to Labour Relations, with a copy to the Commissioner of Human Resources.

If the employee cannot continue with the work accommodation assignment, Labour Relations will attempt to identify and arrange placement in an alternate position in collaboration with the employee, the supervisor, union representative (if appropriate), and Corporate Health Services.

COMPENSATION & BUDGET RESPONSIBILITY:

Employees undergoing on the job training or placed in a new position will receive 100% of wages consistent with the new position.

The costs of specialized equipment, assistive devices and/or physical modifications will be funded through the central Assistive Devices Funds administered by Corporate Health Services, in accordance with funding guidelines.

Off-the-job training costs will be funded as approved by the respective Workers' Compensation/Long Term Disability carrier or the department of origin.

11.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 October 16

REPORT TO: Susan K. Reeder, Secretary
Finance and Administration Committee

FROM: J. J. Schatz
City Clerk

SUBJECT: REINSTATEMENT OF MEMBER TO THE KEEP
HAMILTON CLEAN COMMITTEE

RECOMMENDATION:

That Mayor Morrow's request to reinstate Susan Pacey as a member of the Keep Hamilton Clean Committee be considered.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A



BACKGROUND:

City Council at its meeting held 1988 May 31 appointed Susan Pacey to the Keep Hamilton Clean Committee for a term to expire 1989 December 31. At the end of her first term, City Council at its meeting held 1992 December 31 reappointed Mrs. Pacey to the Keep Hamilton Clean Committee for a term to expire 1992 December 31.

The Attendance Policy for the Keep Hamilton Clean Committee as approved by the Committee (Keep Hamilton Clean Committee) on 1991 June 12 states "that any member of the Keep Hamilton Clean Committee who is absent from three consecutive regular meetings without cause is subject to his/her membership being

revoked after discussion and recommendation by the Committee to the Finance and Administration Committee of the City of Hamilton".

Given that Mrs. Pacey was absent from meetings for the period from 1991 October to 1992 April, the Keep Hamilton Clean Committee recommended to the Finance and Administration Committee that her membership be revoked. The Finance and Administration Committee revoked her membership on 1992 May 26 and appointed a replacement member.

Mrs. Pacey has since advised the Mayor that she was unable to attend for health reasons and has requested reappointment.

Attached

cc Mayor Morrow

ROBERT M. MORROW
MAYOR



October 1st, 1992

MEMO TO: Joe Schatz
City Clerk

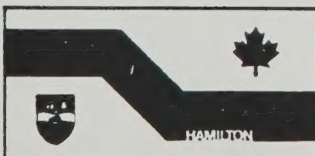
FROM: Mayor Robert M. Morrow

SUBJECT: SUSAN PACEY

Susan Pacey was a great inspiration in beginning the work of the present Keep Hamilton Clean Committee and the Pitch In Committee. She has also served our community not only in this capacity but also at the school of her children-Lloyd George Public School.

For health reasons, Susan found it impossible to go to committee meetings some months ago, and at that time was told by Mr. Reinhold of our staff not to worry and simply to return when her health permitted. She found earlier this summer, much to her chagrin, that the agendas stopped arriving at her home and was subsequently told that she was no longer on the Keep Hamilton Clean Committee. I suggest to the appropriate Standing Committee that Susan should be reinstated immediately and that the Committee take full advantage of her skills and knowledge.

RMM/pb.



City Hall
71 Main Street West, Hamilton, Ontario, Canada L8N 3T4
Telephone : (416) 546-2790
546-2448 (TDD Only)



Enclosed for the Department are two copies of the report of the
Attorney General's Committee on the Administration of the Department.

The report was prepared by the Attorney General's Committee on the
Administration of the Department, which was organized in 1961 to
study the Department's administrative problems and to make
recommendations for improvement. The report contains a
detailed analysis of the Department's administrative structure
and functions, and a list of recommendations for improvement.

The report is being submitted to the Department for its
information and guidance.

Very truly yours,
Attorney General
Department of Justice

The report is being submitted to the Department for its
information and guidance. The report contains a detailed
analysis of the Department's administrative structure and
functions, and a list of recommendations for improvement.

Very truly yours,
Attorney General
Department of Justice

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